

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF NEW HAMPSHIRE.

SPECIAL SESSION, 1864.

CONCORD:
AMOS HADLEY, STATE PRINTER.
1864.

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TUESDAY, August 9, 1864.

STATE OF NEW HAMPSHIRE.

A PROCLAMATION BY THE GOVERNOR.

WHEREAS, the present interests of the State demand an immediate assembling of the Legislature, I, JOSEPH A. GILMORE, Governor of New Hampshire, by virtue of the power in me vested by the Constitution of the State providing for the calling of the Legislature together sooner than the time to which it may be adjourned or prorogued, do hereby summon both branches of the Legislature to assemble at their respective halls in this city, on Tuesday, the ninth day of August next, at 11 o'clock, A. M., there to consider such measures as may be presented to them.

Given at the Council Chamber this twenty-seventh day of July, in the year of our Lord one thousand eight hundred and sixty-four, and of the independence of the United States the eighty-ninth.

JOSEPH A. GILMORE.

By His Excellency, the Governor with the advice and consent of the Executive Council,

ALLEN TENNY, *Secretary of State.*

A quorum of the whole number of Representatives from the several towns, wards and districts in the State of New Hampshire having assembled in the Capitol, in the city of Concord, in said State, on Tuesday, August 9, 1864, being the day designated in the foregoing proclamation of His Excellency the Governor, they were called to order by the Speaker, Hon. William E. Chandler.

A communication was read from Benjamin Gerrish, jr., Clerk of the House, announcing his inability to perform the duties of his office during the first few days of the session, on account of a recent illness.

On motion of Mr. Wheeler, of Dover,

Resolved, That Edward Sawyer, of Concord, be appointed Clerk *pro tempore* of the House of Representatives, during the absence of Benjamin Gerrish, jr., Clerk of the House.

Edward Sawyer, thereupon appearing, was duly qualified and entered upon the discharge of his duties.

The roll of the House was then called, when two hundred and fifty members were ascertained to be present.

On motion of Mr. Adams, of Manchester,

Resolved, That all members of the House hereafter arriving shall report to the Clerk, and no member shall be considered as being in attendance during the session for the purpose of receiving pay for mileage or attendance until his name is duly recorded by the Clerk.

On motion of Mr. Quincy, of Rumney,

Resolved, That the Clerk of the House be instructed to make up the pay roll for mileage for members immediately, and for the same number of miles as at the last session.

On motion of Mr. Saunders, of Nashua,

Resolved, That information be given the Honorable Senate that the House of Representatives has assembled in accordance with the proclamation of His Excellency the Governor and is now ready to proceed with the business of the session.

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The following message was received from the Senate by their Clerk:

Mr. Speaker—

I am directed to inform the House of Representatives that a quorum of the Senate have assembled, and are now ready to proceed to the business of the session.

On motion of Mr. Quincy, of Rumney,

Resolved, That a committee of ten be appointed on the part of the House, with such as the Senate may join, to wait on His Excellency the Governor, and inform him that a quorum of both branches of the Legislature have assembled in accordance with his proclamation, are organized, and ready to meet in Convention, to receive any communication he may be pleased to make.

Ordered, That Messrs. Quincy, of Rumney, Parker of Farmington, Montgomery of Manchester, Harriman of Warner, Brown of Gilmanton, Cotton of Sandown, Joy of New Durham, Cooke of Alstead, Page of Thornton and Humphrey of Croydon be said committee on the part of the House.

The following message was received from the Senate by their Clerk:

Mr. Speaker—

The Senate concur with the House of Representatives in the appointment of a joint committee to wait on His Excellency, the Governor, and inform him that a quorum of both branches of the Legislature have assembled, and are ready to receive any communication he may make, and have appointed Senators Emerson and Mason as such committee on the part of the Senate.

Mr. Quincy, from the select committee appointed to wait upon His Excellency the Governor, reported that His Excellency had informed the Committee that he would be ready to make a communication to the Legislature as soon as both branches thereof should have assembled in convention.

On motion of Mr. Campbell, of Amherst,

Resolved, That the House of Representatives is now ready

to meet the Honorable Senate in convention for the purpose of receiving a communication from His Excellency, the Governor.

IN CONVENTION.

The Senate and House of Representatives having assembled in the Representatives' Hall, the Hon. Allen Tenny, Secretary of State, appeared and presented the following message from His Excellency, the Governor, which was read by the Clerk:

Gentlemen of the Senate and House of Representatives :

I regret exceedingly the necessity which compels me, so soon after the close of the longest session which our Legislature has held for many years, to summon you to re-assemble in this place. I have not created that necessity. I do not think that I have exaggerated it. It existed beyond all question; and, equally beyond all question, by no action or failure to act on my part. I foresaw, it is true, while you were yet in session, the inadequacy of your legislation on many important points to meet the ends which all loyal men professed a desire to accomplish.

I remonstrated in the strongest terms with prominent members of the Legislature against the passage of bills which have since become laws. I was willing, even, to meet the members of the Legislature in conference, and submit to them the arguments which induced me to differ with them on some matters of vital importance. I ought, perhaps, to have interposed a veto upon some measures which were adopted, and thrown the responsibility of their final enactment where it justly belonged. But my unwillingness to further prolong the session; the scanty time allowed me for consideration; the thought that your judgment might be better than my own; the comparative certainty that a veto would afford but a temporary obstacle to the passage of any act which you had once endorsed, induced me to give a reluctant assent to certain bills which I regarded with about as much favor when I signed them as I do now.

I do not propose, gentlemen, to call your attention to any new subjects of legislation. I would not even call up those subjects—such as the Assumption of the Town Debts, the Ag-

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ricultural College, the Reduction of our Excessive Representation and the Right of Soldiers to Vote, which demanded, but did not receive action at your hands during your recent session. Their consideration at the present time would, perhaps, be a greater impertinence than their previous neglect.

But I do call upon you, in the name of the people of New Hampshire, in the name of country and of God, to give us, in place of the crude, incomprehensible and unsatisfactory "Military Bill," which was hurried through at the very close of the last session, some act which can certainly be understood, and may possibly enable the Executive Department to meet the demands of the General Government upon us. I call upon you to devise some means of replenishing the Treasury which you have so carefully guarded.

A brief statement of the circumstances in which I found myself after the close of your protracted session, will best vindicate my decision to call you together again to revise and perfect your work; and may indicate what legislation will be required at your hands.

Your Honorable Body, by the enactment of a law more stringent in its provisions than that of any other State, provided that no claim upon the State Treasury should be paid without the examination and approval of an "Auditor of Accounts." Even salaries, fixed by statute law, (with the exception of your own pay, and that of the Honorable Council,) even disbursements, ordered by yourselves must receive his sanction, or I could not draw my warrant for their payment. And yet no such officer existed in the State. Claims, in regard to the correctness of which there was no question, which you had yourselves endorsed could not legally be satisfied. There were in camp in this city five full companies of three years men ready to go to the front, and needed there, who could not receive the bounty which you had voted them, and be forwarded to their regiments, because you had neglected to designate the proper official to go through the empty form of indorsing their demands.

In this emergency I summoned the Judges of the Supreme Court, and asked if I might legally make an appointment to the office which you had created but failed to fill. Contrary to general anticipation they advised me that I might make such appointment, and, acting with the advice and consent of the Executive Council, I have done so. Mr. Edwin S. Bar-

rett has given bonds in the excessive sum required by law, and already entered upon the duties of his office as "Auditor of Accounts."

But now that I have access to the Treasury, I find it empty, and likely to be so, without further and more generous legislation. The Finance Bill, enacted at the last session, proves utterly inadequate to meet the exigencies of the occasion. It limits the amount of interest which we are allowed to offer to six per cent., while the United States has just thrown upon the market a loan of two hundred millions at seven and three-tenths per cent., with an apology for offering no higher rates, and the very best business paper can only be cashed by paying eight to nine. And yet we are forbidden to dispose of these bonds for less than par. We can not even avail ourselves of favorable circumstances and dispose of them at a premium without throwing them into an open market. We are allowed to employ no agents for the disposal of our bonds while the United States pays one quarter per cent. commission on the sale of its securities. Then, too, the very long time which must elapse before the maturity of these bonds tends apparently to make them an unpopular investment; and capitalists whom I have consulted assure me that greater confidence would be felt in the sinking fund which the Finance act creates if provision were made that \$50,000 per annum should be lodged in the hands of permanent trustees, to be designated by the Legislature, and by them securely invested to meet these bonds at maturity.

I would urge upon you the importance of realizing that the time is past when New Hampshire State Sixes will bring fifteen per cent. premium, and that every moment's delay to modify your action may possibly cause our State to suffer from increased stringency in the money market. There can be no doubt that the present is the best time to fund the State debt, and I desire only such modifications of the Finance Act as will enable us to do so.

The act as it stands at present, and in the present condition of the money market is a nullity, and might as well not have been passed. By an increase of the rate of interest which you have authorized me to offer, or by removing the restriction which forbids the disposal of these bonds for less than par, you can meet this emergency. I have hopes that a

large proportion of the amount of bonds which you authorize, bearing interest semiannually at six per cent. might with the guarantee of an adequate sinking fund, be disposed of at par, if made payable, one million in twenty years, one million in twenty-five years, one million in thirty years, and half a million in thirty-five years. The discount on the whole amount would probably be slight. It would be more in accordance with my ideas, as a business man, to offer no more than six per cent. interest, and leave these bonds to be disposed of at the discretion of the Governor and Council, to the best advantage of the State.

As a supplement to the Finance Bill, a joint resolution was passed at your late session empowering the State Treasurer to borrow a million and a half of dollars for the immediate wants of the State, at a rate of interest not exceeding six per cent. The State certainly wants this much money immediately, if I am to pay upward of three millions in bounty to meet the present requisition upon us for troops. And this, as I understand it, the Military Bill authorizes me to do. But it is not so easy a task as it seems to borrow a few hundred thousands even for the use and benefit of the State of New Hampshire, at two or three per cent. less than the current rate of interest, and with no guarantee for payment but the Treasurer's note. "The pledge or hypothecation" of bonds, as yet unsold, might facilitate the operation; but that you have strictly prohibited. In this emergency I know of no better course than to authorize the State Treasurer to offer the current rates of interest for short loans, or to enact a law which shall empower the State Treasurer to call upon all the banks of our State for the loan of such percentage of their capital as may supply this temporary demand without seriously embarrassing their ordinary business transactions. I know not whether the opinions of legal advisers would sanction it is measure, and am especially in doubt whether its adoption would not compel us to discriminate unjustly in favor of national banks within our borders. But something must be done and that with as much speed as is consistent with due consideration. What action is demanded in this emergency I leave it to your wisdom to decide.

While I am thus practically destitute of funds to carry on the business of the State, a call is made by the General Gov

ernment for six thousand five hundred and two men from the State of New Hampshire, and on turning to the military bill enacted at your recent session to inform myself what measures I am permitted to take to meet this requisition, I find myself utterly unable to understand its provisions, even if I had the means to carry them into effective operation. Nor can I find any one rash enough to attempt its exposition. I have, however, issued my proclamation announcing the payment of the largest bounties authorized by the act, and commissioned agents to recruit for the State of New Hampshire in the insurgent States of our Union. I do not, however, regard the bounties offered as adequate to the end proposed, nor do I anticipate any great success in recruiting in insurgent States under the system inaugurated by this act. Very few men will enter upon a distant and untried service without a guarantee that their expenses at least shall be paid.—The law gives them no such guarantee; nor does it authorize me to place any money at their disposal to pay bounties, even if I had it at my command. Again, the law is in open violation of the first paragraph of the "Regulations for Recruiting in Rebel States" issued seven days before its passage. That paragraph reads as follows: "Experience has shown that these agents should not be paid for each recruit, but that they should have a fixed compensation for their service, otherwise fraudulent practices may be resorted to for the pecuniary benefit of the agent, to the great prejudice of the State and the military service." How long the agents whom you have authorized me to appoint would be permitted to recruit for New Hampshire in the very teeth of this stringent regulation of the war department is a problem of very easy solution. In point of fact I know of only two of the recruiting agents whom I have appointed that have as yet entered upon their duties. One of them has filled the quota of his town with money advanced by the selectmen—in palpable violation of the military bill, as I understand it. The other writes me that he can get men enough if we will only give him money to pay their bounties.

I do not find that your legislation has put a stop to that unhealthy competition between cities and towns which has wrought so much mischief in the past. Those towns which voted excessive bounties before the passage of the military bill still continue to pay them, with the sanction of the best

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legal advisers. Other towns manage to evade the law in order to place themselves on an equality with their neighbors. The price of substitutes in our State Capitol is 1,000 dollars, and these men are in most cases such as will prove a curse to our army. The quota of New Hampshire lacks 5,000 men of being full. Only twenty-three working days intervene between the date of your assembling and an inexorable draft to meet all demands upon us.

In consideration of these facts I can but express the hope that the present cumbrous and inefficient act which I cannot criticise minutely, because I cannot understand it, may be supplanted by some simple, economical and feasible plan for making the most of the few days that yet remain in which to fill our quota by voluntary enlistments. And I appeal to you, gentlemen, as you shall answer it to your constituents, to throw aside all partizan feeling, local jealousies and personal spite, and do your utmost to repair the immense injury which your hasty and injudicious legislation has inflicted upon the people of this State. Let your action be as prompt as may be; but let it not be so inconsiderate as to demand revision within a fortnight.

JOSEPH A. GILMORE.

Council Chamber, Concord, N. H., August 9, 1864.

On motion of Mr. Emerson of the Senate, the convention rose, and the Senate retired to their chamber.

HOUSE OF REPRESENTATIVES.

On motion of Mr. Campbell, of Amherst,

Resolved, That a committee of three be appointed by the chair to take into consideration the message of His Excellency the Governor, and report what disposition shall be made of the several subjects therein contained; and that the Clerk be directed to procure the usual number of printed copies of said message for the use of the House.

Ordered, That Messrs. Campbell of Amherst, Sinclair of Bethlehem and True of Antrim, be said committee.

NOTICES OF BILLS, &c.

By Mr. Dodge, of Londonderry,

An act to enable the qualified voters of this State engaged in the military service of the country to vote for Electors of President and Vice President of the United States, and for Representatives in Congress.

By Mr. Cate, of Northfield,

An act relating to and providing for the assumption by the State of certain expenses and indebtedness of the several cities and towns in this State.

By Mr. Clarke, of Manchester, An act in addition to an act passed June session 1864, entitled An act to facilitate the raising of troops.

On motion of Mr. Hill, of Manchester,

The House adjourned.

AFTERNOON.

On motion of Mr. Willard, of Keene,

Resolved, That Wesley J. Robinson, of Concord, be appointed door keeper to the House of Representatives for the present session.

Wesley J. Robinson was then duly qualified by the Speaker, and entered upon his duties.

On motion of Mr. Kelley, of Gilmanton,

Resolved, That His Excellency the Governor be requested to communicate to the House the opinion of the Supreme Judicial Court upon the bill establishing the office of Auditor of Accounts, and also a copy of the bond given by the present auditor.

The special committee, to whom was referred the message of His Excellency the Governor, reported the following resolution, which was adopted:

Resolved, That so much of the message of His Excellency the Governor as relates to the subject of Finance, be referred to a special committee of ten; and so much as relates to the subject of raising troops be referred to a special committee of ten; and that so much of His Excellency's communication as relates to the auditor of accounts and those subjects of legislation which the Governor specified but "would not even call up;" "such as the assumption of the town debts, the Agricultural College, the reduction of our excessive representation, and the right of soldiers to vote," be also referred to a special committee of ten, and that this committee be instructed to inquire whether or not the charges made by the Governor against the Legislature as to the responsibility for the necessity of its re-assembling are founded in fact and justifiable; whether or not the Legislature has been guilty of the gross neglect charged by the Governor; whether or not His Excellency has taken proper and efficient means to raise money and troops, and to carry out the legislation of the late session, and also what number of troops have been raised in the State since the adjournment of the Legislature; and that said committee be instructed to report such facts and recommend such legislation as they may deem expedient.

Mr. Quincy, of Rumney, introduced the following resolution.

Resolved, That the Clerk be requested to procure for each of the members of the House two copies of the Daily Monitor during the present session of the Legislature.

Mr. Sinclair moved to amend by adding the words, "and also two copies of the "Manchester Daily Union," which amendment was accepted by Mr. Quincy.

Mr. Little, of Manchester, moved to further amend by adding the words "and also two copies of the Manchester Daily Mirror and American," which motion was lost.

The question then recurring, upon the adoption of the resolution as amended by Mr. Sinclair, the resolution was rejected.

The following message was received from the Senate by their Clerk.

Mr. Speaker—

The Senate have passed the following resolution:

Resolved by the Senate and House of Representatives in General Court convened, That at this session the Legislature will not consider any matters of legislation except such as relate to military affairs or matters of finance, in the passage of which they ask the concurrence of the House of Representatives.

The question being upon the adoption of the joint resolution sent down from the Senate, on motion of Mr. Sinclair, it was laid upon the table.

[Mr. Campbell, of Amherst, in the Chair.]

PETITIONS, &C., PRESENTED AND REFERRED.

To the Committee on Military Affairs:

By Mr. McLaughlin, of Goshen, the petition of Wm. F. Lahey and others.

By Mr. Hill, of Manchester, the petition of William A. Hackett and others.

By Mr. Aldrich, of Whitefield, the petition of J. Q. A. Sargent and others.

By Mr. Parker, of Lempster, the petition of H. P. Simpson and others.

By Mr. Platts, of Londonderry, the petition of Henry Carroll and others.

By Mr. Little of Manchester, the petition of J. P. Jackson and others.

Severally praying for the modification of an act entitled An act to facilitate the raising of troops.

On motion of Mr. Nickelson, of Hooksett,

Resolved, That when the House adjourn this afternoon, it adjourn to meet at ten o'clock to-morrow morning, and when it adjourn to-morrow morning it adjourn to meet at three o'clock to-morrow afternoon, and that these be the hours of meeting until otherwise ordered by the House.

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On motion of Mr. Hill, of Manchester,

Resolved, That the rules of the House of Representatives adopted at the last session be adopted as the rules of the House for the present session, until otherwise ordered by the House.

The following message was received from His Excellency the Governor, by the hand of the Secretary of State:

EXECUTIVE DEPARTMENT,
Concord, August 9th, 1864. }

To the Honorable Senate and House of Representatives :

In answer to your resolution of inquiry, I have the honor to inform you that I have not the written opinion of the Supreme Judicial Court upon the bill establishing the office of Auditor of Accounts. The judges informed me that, in their opinion, the Governor and Council had authority under the law, creating said office, to appoint an auditor, and that they would give me their opinion in writing at an early day. I have not as yet received the same, but as soon as received, I will at once transmit to your Honorable body.

I herewith enclose a copy of the bond given by the State Auditor.

J. A. GILMORE.

On motion of Mr. Pearsons, of Manchester, the message and accompanying documents, were laid upon the table.

[The Speaker in the Chair.]

The Speaker here announced the following special committees, to consider the various subjects proposed in the message of His Excellency the Governor, and in accordance with a resolution of the House:

Committee on Finance: Messrs. Campbell of Amherst, Sawyer of Nashua, Burleigh of Somersworth, Cate of Northfield, Barton of Newport, Wyatt of Dover, Bickford of Dover, Lane of Keene, Bailey of Nashua, and Page of Warren.

Committee on Raising of Troops: Messrs. Wheeler of Dover, French of Stratham, Quincy of Rumney, Pitman of Bartlett

Haven of Portsmouth, Clarke of Manchester, Smith of Enfield, Moore of Manchester, True of Antrim, and Ruggles of Dalton.

Committee on all other subjects treated in the Message : Messrs. Sinclair of Bethlehem, Rolfe of Concord, Robinson of Fremont, Adams of Manchester, Dodge of Londonderry, Wadleigh of Milford, Downs of Lebanon, Kelley of Gilmanton, Campbell of Woodstock, and Goodhue of Bow.

On motion of Mr. Bailey of Nashua, the various petitions praying for a modification of the Act to facilitate the raising of troops, were recalled from the Committee on Military Affairs and referred to the special committee on raising of troops.

Mr. Pearsons, of Manchester, gave notice that he should move a reconsideration of the vote requiring His Excellency the Governor to furnish the Legislature with a copy of the bond of the State Auditor, he having voted in the affirmative.

NOTICES OF BILLS, &c.

By Mr. Little, of Manchester, An act to regulate the rates of tariff on railroads to prevent the taking of exorbitant fares and to prevent disloyal and treasonable practices by depreciating the currency of the Government.

By Mr. Wadleigh, of Milford, An act to incorporate the Milford Hotel Company.

By Mr. Rolfe, of Concord, An act in amendment of an act for the enlargement of the State Capitol.

By Mr. Burleigh, of Somersworth, An act in relation to the laying of pipes in the streets of towns and cities for the extinguishment of fires.

By Mr. Smith, of Wakefield, a bill empowering towns and cities to reimburse drafted men for money paid out in procuring substitutes and for other purposes.

On motion of Mr. Davis, of New Ipswich,

The House adjourned.

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WEDNESDAY, August, 10, 1864.

On motion of Mr. Briggs, of Claremont, the rules were suspended and the reading of the journal of yesterday was omitted.

PETITIONS, &C., PRESENTED AND REFERRED.

To the Committee on Banks :

By Mr. Burleigh, of Franklin, the petition of Geo. W. Nesmith and others, praying for the incorporation of a bank at Franklin.

To the Special Committee on the Raising of Troops :

By Mr. Bailey, of Manchester, the petition of William A. Putney and others.

By Mr. Knight, of Landaff, the petition of J. D. Palmer and others.

By Mr. Page, of Warren, the petition of B. F. Bean and others.

By Mr. Moore, of Manchester, the petition of J. H. Johnson and others.

By Mr. Adams, of Manchester, the petition of Isaac Lewis and others.

By Mr. Little, of Manchester, the petition of Barnard Kiernan and others.

By Mr. Conner, of Manchester, the petition of L. H. Rand and others.

By Mr. Thayer, of Manchester, the petition of John Macy and others.

By Mr. Knowles, of Manchester, the petition of J. W. Johnson and others.

By Mr. Montgomery, of Manchester, the petition of A. P. Carpenter and others.

By Mr. Mitchell, of Manchester, the petition of H. Fradd and others.

Severally praying for a modification of the Act to facilitate the raising of troops.

On motion of Mr. Bailey, of Nashua, the petitions were severally referred to the select committee on the raising of troops.

Agreeably to previous notice, Mr. Cate, of Northfield, introduced a bill entitled An act to assume certain expenses and indebtedness of the several cities and towns of this State.

The bill was then read a first and second time, and on motion of Mr. Sinclair, of Bethlehem, was laid upon the table and ordered to be printed.

Mr. Campbell, from the Special Committee on Finance, to whom was referred so much of His Excellency's message as relates to the finances of the State, reported the following joint resolution which was read a first time:

STATE OF NEW HAMPSHIRE.

In the year of our Lord, one thousand eight hundred and sixty-four.

Resolved, by the Senate and House of Representatives in General Court convened:

SECTION 1. That the Treasurer of this State be, and is hereby authorized, to borrow for the temporary use of the State, at such times and in such sums, as he may consider necessary and proper, any sum not exceeding two millions of dollars, as follows, that is to say, a sum not exceeding five hundred thousand dollars, on such terms and conditions, as shall be offered by the Governor and Council, and for the remainder of said two millions of dollars two Treasurer shall by public advertisements in at least one newspaper in each county, in this State, and two newspapers in the city of Boston, two weeks in succession, invite proposals to be made on a certain day therein named. All such proposals received by the Treasurer shall be entered in a book kept for that purpose, and open to public inspection. The Treasurer may accept such of said offers as the Governor and Council may approve, preference being given to such proposals, as shall be most favorable to the State; and a record of those accepted shall also be kept in the book aforesaid, and any loan made as above provided, and the notes given by the Treasurer therefor, shall be legal and valid and all the provisions of the Statutes relating to usury shall be inapplicable thereto and

inoperative so far as said notes are concerned, and said loan of two million of dollars shall be reimbursed by the sale of State Bonds.

SECTION 2. The joint resolution of the Legislature passed at the June session thereof A. D., 1864, and approved July 16, 1864, is hereby repealed.

On motion of Mr. Barton, the rules were suspended, and the resolution was then read a second and third time, passed, and sent to the Senate for concurrence.

Agreeably to previous notice, Mr. Dodge, of Londonderry, introduced a bill entitled An act to enable the qualified voters of this State engaged in the military service of the country to vote for Electors of President and Vice President of the United States and for Representatives in Congress, which bill was read a first and second time, and on motion of Mr. Wheeler, of Dover, was referred to the Committee on the Judiciary, and ordered to be printed.

On motion of Mr. Clarke, of Manchester,

Resolved, That His Excellency, the Governor, be requested to communicate to the House of Representatives any opinion which he may have received from the Supreme Judicial Court, or any of the justices thereof, upon the bill passed June session, 1864, entitled An act to facilitate the raising of troops, and upon any other act passed at said session.

NOTICES OF BILLS, &c.

By Mr. Wood, of Rollinsford, An act to prevent injustice to the town of Rollinsford.

By Mr. Adams, of Manchester, a bill in relation to the taxation of deposits in savings banks.

Also a bill in amendment of chapter 190 of the Revised Statutes, relating to rate of interest on loans.

On motion of Mr. Gardner, of Manchester,

The House adjourned.

AFTERNOON.

Mr. Wheeler, of Dover, from the special committee to whom was referred so much of the message of His Excellency

lency the Governor as relates to military affairs, reported the following resolution, which was read a first time and ordered to a second reading:

Resolved by the Senate and House of Representatives in General Court convened, That His Excellency the Governor be requested to solicit from the War Department permission to recruit in this State two new regiments or twenty companies of one year men, to be credited to its quota, under the late call of the President of the United States for five hundred thousand men.

The following message was received from His Excellency the Governor, by the Secretary of State:

EXECUTIVE DEPARTMENT,
CONCORD, August 9, 1864. }

To the House of Representatives :

In answer to your resolution, I have the honor to transmit the opinion of the Supreme Judicial Court upon the bill passed June session, 1864, entitled An act to facilitate the raising of troops. The judges have not furnished me with their written opinion upon any other act passed at the late session of our Legislature.

J. A. GILMORE.

On motion of Mr. Wheeler, of Dover, the message and accompanying opinion were laid upon the table, and it was ordered that the Clerk procure the usual number of printed copies of the opinion of the Supreme Judicial Court upon the act to facilitate the raising of troops, for the use of the House.

Mr. Sinclair, of Bethlehem, moved to take from the table the senate joint resolution restricting the legislation of the present session to military and financial measures.

And the question being stated,

Shall the resolution be taken from the table?

On this question the yeas and nays were demanded, which being called were as follows:

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Those who voted in the affirmative were Messrs.

Rockingham County. York, Coleman of Newington, Batchelder of Newton, Odiorne, Wendell, Cotton of Sandown.

Strafford County. Bartlett of Lee, Leighton, Joy, Tuttle, Foss.

Belknap County. Dow of Barnstead, Dearborn, Prescott of Sanbornton, Folsom of Upper Gilmanton.

Carroll County. Ayers, Pitman, Thompson of Conway, Eastman of Conway, Drew of Eaton, Taylor of Eppingham, Bennett of Freedom, Hodge of Jackson, Warren, Roles, Blaisdell of Tuftonborough, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Clough, Lake, Hutchins, Farnum, Doe, Putney, Eastman of London, Batchelder of Loudon, Dana, Cate, Reynolds of Pittsfield, Palmer, Calef, Watson, Harriman, Colby of Warner, Andrews.

Hillsborough County. Whittemore, Smith of Deering, Little of Manchester, Connor, Bruce, Bailey of Nashua, Roby of Nashua, Sherburne, Taggart.

Cheshire County. Chapin, Jones of Marlow, Weeks of Stoddard, Lombard, Patten.

Sullivan County. McLaughlin, Rowell, Knowlton, Lewis, Gage.

Grafton County. Whitchee, Sinclair, Hodgman, Dean, Eaton, Pease of Ellsworth and Waterville, Whitney, Quint, Morse of Hebron, Knight, Eastman of Littleton, Quincy, Page of Thornton, Page of Warren, Campbell of Woodstock and Lincoln.

Coos County. Ruggles, Cole, Wright of Erroll, Tubbs of Gorham, Plaisted, Ingalls, Young of Stewartstown, Marshall of Stratford, Wheeler.

Those who voted in the negative were Messrs.

Rockingham County. Dow of Atkinson, Preston, Ladd, Gilchrist, Crawford, Dimond, Adams of Derry, Eastman of Derry, Moses, Robinson of Fremont, Weeks of Greenland, Moulton, Tilton, Marshall of Kingston Platts, Dodge, Meloan, Stackpole, Creighton, Willey, Hurd, Walker, Moran, Hill of Portsmouth, Tucker, Austin of Salem, Woodbury, Weare, Currier of South Hampton, Paul, French, Emerson of Windham.

Strafford County. Young of Barrington, Baker, Wyatt, Morrill, Bickford, Wheeler of Dover, Brewster, Nute, Parker, of Farmington, Curtis, Jones of Milton, Hall of Rochester, Horne, Wood, Shackford, Wakefield.

Belknap County. Bennett of Alton, Emerson of Alton, Reynolds of Centre Harbor, Kelley, Brown of Gilmanton, Weeks of Gilford, Robie of Gilford, Wiggin, Burden, Stewart.

Carroll County. Coleman of Brookfield, Blaisdell of Madison, Hobbs, Standley.

Merrimack County. Harris of Boscawen, Merriam, Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Sargent, Burleigh of Franklin, Nickelson, Bunker, Whitehouse, Little of Webster.

Hillsborough County. Campbell of Amherst, True, Riddle, Smith of Brookline, Hodge of Frankestown, Greer, Kennedy, Greeley, Goodrich of Lyndeborough, Pearson, Thayer, Hill of Manchester, Martin, Clarke of Manchester, Johnson, Gardner, Montgomery, Moore, Knowles, Mitchell, Whittle, Adams of Manchester, Parker of Merrimack, Wadleigh, Scripture, Saunders, Sawyer of Nashua, Greenwood, Rockwood, Davis of New Ipswich, Tubbs of Peterborough, Felt of Peterborough, Keyes, Story, Gove.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Bailey of Jaffrey, Lane of Keene, Gates, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Buckminster, Felt of Sullivan, Holbrook, Bates, Humphrey of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Colby of Claremont, Brewer, Briggs, Tracy, Wellman of Cornish, Humphrey of Croydon, Fowler, Slader, Barton, Wilcox.

Grafton County. Hibbard, Batchelder of Bridgewater, Taylor, of Bristol, Bartlett of Canaan, Follansbee, Smith of Enfield, Clark of Enfield, Blood of Groton, Hubbard of Hanover, Dow of Hanover, Kimball, Mason of Hill, Smith of Holderness, Hughes, Bailey of Lebanon, Downs, Parker of Lisbon, Ash, Hoskins, Williams, Underhill, Rogers of Piermont, Marston, Shute.

Cook County. Harris of Colbrook, Cone, Legro, Roberts, Washburn.

Yeas, 92; nays, 168.

So the House refused to take from the table.

On motion of Mr. Montgomery, of Manchester,

Resolved, That the Committee on Railroads be instructed to inquire and report to the House without delay whether any condition in the charter of the Concord & Portsmouth Railroad have been violated or disregarded by the directors thereof in their adjustment of a tariff of fares.

Mr. Meloon, of Newcastle, introduced the following resolution:

Resolved, That the clerk be authorized to procure for the use of the House and its officers one copy each of the Daily Monitor during the present session.

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On motion of Mr. Page of Warren, the resolution was amended, by adding thereto the words, "and one copy of the Manchester Daily Union."

Mr. Adams of Manchester, moved to amend the resolution by adding the words; "and one copy of the Manchester Daily Mirror and American," when, on motion of Mr. Gould of Sandwich, the resolution and amendment were laid upon the table.

By leave, Mr. Elwell of Concord, introduced the following joint resolution, which was read a first and second time and was referred to the Committee on Military Accounts.

STATE OF NEW HAMPSHIRE.

In the year of our Lord one thousand eight hundred and sixty-four.

Resolved by the Senate and House of Representatives in General Court convened:

That the sum of (\$150) one hundred and fifty dollars be allowed James B. Gove, for services taking care of Military and Hospital stores and on Military Accounts in the various offices of the State Department, from June 1st, to July 31st, 1864, inclusive; and (\$12.62) twelve dollars and sixty-two cents for money paid for labor and articles necessary for use about the State House, and that the same be paid out of any money in the treasury not otherwise appropriated.

On motion of Mr. Platts of Londonderry,

Resolved, That the Committee on the Judiciary be instructed to enquire and report whether it is competent to proceed to the election of an Auditor of Accounts at the present session.

Mr. Perkins, of Winchester, introduced the following resolution, which on motion of Mr. Wheeler, of Dover, was indefinitely postponed.

Resolved, That the clerk be requested to furnish the members and officers of the House with one copy each of the Boston Daily Morning Journal during the session.

By leave, Mr. Barton, of Newport, introduced the following joint resolution, which was read a first and second time, and referred to the Committee on Printers' Accounts.

Resolved by the Senate and House of Representatives in General Court convened, That in printing the report of the Adjutant General for the year 1865, the State Printer be allowed to use such quality of paper—make such size page—and use such letter as will best accommodate the matter to be contained therein, the whole to the acceptance of the Adjutant General.

Mr. Adams, of Manchester, presented the account of Gage, Moore & Co., which was referred to the Committee on Printers' Accounts.

By leave, Mr. Smith, of Wakefield, introduced the following joint resolution, which was read a first and second time.

STATE OF NEW HAMPSHIRE.

In the year of our Lord one thousand eight hundred and sixty-four.

Resolved by the Senate and House of Representatives in General Court convened, That the Governor is hereby authorized and directed to refund to drafted men all moneys not exceeding three hundred dollars (\$300), by them paid for substitutes or commutation, after satisfactory evidence shall be given that such moneys have been so paid—and that he be authorized to draw his warrant on the treasury therefor.

On motion, the resolution, was referred to the Select Committee on the Raising of Troops, with instructions to report thereon, at the morning session of the House to-morrow.

On motion of Mr. Quincy, of Rumney,

Resolved, That the Committee on Railroads be instructed to enquire what progress has been made in building the railroad from Keene to Manchester.

NOTICES OF BILLS, &c.

By Mr. Barton, of Newport, An act in amendment of chapter 964 of Pamphlet Laws relating to public printing.

By Mr. Robie, of Gilford, An act to amend the act of incorporation of the American Barrel Machine Company.

Also a bill entitled An act to amend the act of incorporation of the Belknap Mills.

On motion of Mr. Barton,

The House adjourned.

THURSDAY, August 11, 1864.

Mr. Wheeler, from the Committee on the Judiciary, to which was referred the bill entitled An act to enable the qualified voters of the State engaged in the military service of the country to vote for Electors of President and Vice President of the United States, and for Representatives in Congress, reported the same without amendment.

The following further report was submitted by a minority of the Committee on the Judiciary, in relation to said bill:

The undersigned, a minority of the committee to whom was referred the bill to enable persons in the military service to vote, cannot concur in the report of the majority of said committee, in favor of the passage of said bill, for the following reasons: Because the most important provisions of the bill are in violation of the letter and spirit of our National and State Constitutions.

Because the bill opens the door to the grossest frauds in the exercise of the elective franchise, and endangers the freedom and purity of our elections. By the provisions of the bill, the determination of the right to vote, the conduct of the elections, and the returns of the canvass, are entrusted entirely to the officers at the time in command of each company, or part of a company, whoever they may happen to be. They will be far removed from the State, not liable to its control, nor accessible to its laws. And were it not so they could act with impunity, because the bill provides no penalty whatever for any misconduct or wrong on their part, however gross or willful. It simply requires an oath, but affixes no punishment to the violation of it. And no provision is made for any re-

vision and correction of their proceedings, even if wrong should clearly appear. In the determination of the right to vote the bill requires no reference to the check-lists in the towns, but leaves it to be determined absolutely by the officers, from such evidence as they may be able to obtain, or may choose to hear; and although the voter may be required to testify under oath, yet such oath, however false, is not punishable with any penalty.

This brief statement shows how fully all the safeguards which our laws so wisely and carefully throw around elections at home are disregarded in the provisions of this bill for elections in the field, where greater exposures to abuse and wrong requires additional protection. Occurrences in other States, and particularly one within our own, show that the fears suggested by these objections are not groundless. Military power has been wantonly exercised by the highest officers known to our laws, even under all the obligations of his high official position, for the proscription and disgrace of a meritorious officer, Lt. Andrew J. Edgerly, on account of the quiet exercise of his undoubted right as a citizen voter of this State. With such an example, what may we not reasonably expect under a bill like this, by which the whole conduct of an election, by soldiers in the field is committed to the officers in immediate power over them.

We therefore submit the following resolution:

Resolved, That the further consideration of said bill be indefinitely postponed.

H. BINGHAM,

JOHN G. SINCLAIR.

The question being stated, Shall the bill be read a third time?

Mr. Bingham moved that the reports and bill be laid upon the table, and that the Clerk be directed to furnish a copy of the bill to each of the judges of the Supreme Court, with the request that they confer, and report to the House at the earliest practicable moment their opinion upon the constitutionality of the bill.

And the question being stated,

Shall the motion prevail?

On this question the yeas and nays were demanded, were called, and were as follows:

Those who voted in the affirmative were Messrs.

Rockingham County. York, Coleman of Newington, Batchelder of Newton, Odiorne, Wendell, Prescott of Raymond, Perkins of Rye, Cotton of Sandown.

Strafford County. Bartlett of Lee, Leighton, Joy, Tuttle, Foss.

Belknap County. Dow of Barnstead, Reynolds of Centre Harbor, Dearborn, Prescott of Sanbornton, Folsom of Upper Gilmanton.

Carroll County. Ayers, Pitman, Thompson of Conway, Eastman of Conway, Drew of Eaton, Taylor of Effingham, Bennett of Freedom, Hodge of Jackson, Warren, Hobbs, Blaisdell of Tuftonborough, Smith of Wakefield, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue, of Bow, Sawyer of Bradford, Clough, Lake, Hutchins, Doe, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Dana, Cate, Reynolds of Pittsfield, Palmer, Calef, Watson, Colby of Warner, Andrews.

Hillsborough County. Whittemore, Smith of Deering, Russell, Spaulding, McNeil, Coolidge, Baldwin, Little of Manchester, Bruce, Bailey of Nashua, Cahill, Roby of Nashua, Fox, Sherburne, Taggart, Barrett, Emerson of Windsor.

Cheshire County. Chapin, Jones of Marlow, Weeks of Stoddard, Lombard, Patten.

Sullivan County. McLaughlin, Parker of Lempster, Rowell, Philbrick, Knowlton, Lewis, Gage.

Grafton County. Whitcher, Sinclair, Hodgman, Dean, Eaton, Pease of Ellsworth and Waterville, Whitney, Quint, Morse of Hebron, Knight, Bingham, Eastman of Littleton, Quincy, Page of Thornton, Page of Warren, Campbell of Woodstock and Lincoln

Cos County. Young of Clarksville, Ruggles, Cole, Wright of Erroll, Tubbs of Gorham, Plaisted, Ingalls, Young of Stewartstown, Marshall of Stratford, Aldrich, Wheeler.

Those who voted in the negative were Messrs.

Rockingham County. Dow of Atkinson, Preston, Ladd, Gilchrist, Lane of Candia, Crawford, Dimond, Brown of Deerfield, Sawyer of Deerfield, Adams of Derry, Eastman of Derry, Currier of East Kingston, Moses, Robinson of Fremont, Weeks of Greenland, Tilton, Marshall of Kingston, Platts, Dodge, Meloon, Stackpole, Creighton, Willey, Hurd, Walker, Moran, Hill of Portsmouth, Tucker, Yeaton, Austin of Salem, Woodbury, Weare, Currier of South Hampton, Paul, French, Emerson of Windham.

Strafford County. Young of Barrington, Drew of Barrington, Baker, Wyatt, Morrill, Bickford, Wheeler of Dover, Brewster, Nute, Parker of Farmington, Curtis, Austin of Madbury, Jones of Milton, Hall of Rochester, Horne, Hayes, Wood, Shackford, Burleigh of Somersworth, Wakefield.

Belknap County. Bennett of Alton, Emerson of Alton, Colbath, Kelley, Brown of Gilmanton, Weeks of Gilford, Robie of Gilford, Wiggins, Burden, Stewart.

Carroll County. Coleman of Brookfield, Blaisdell of Madison, Gould of Sandwich, Hubbard of Tamworth, Standley.

Merrimack County. Harris of Boscaawen, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Sargent, Aiken, Burleigh of Franklin, Nickelson, Bunker, Whitehouse, Little of Webster.

Hillsborough County. True, Riddle, Smith of Brookline, Hodge of Frances-town, Greer, Kennedy, Greeley, Pike, Goodrich of Lyndeborough, Pearson, Thayer, Hill of Manchester, Pulsifer, Martin, Clarke of Manchester, Johnson, Gardner, Montgomery, Moore, Knowles, Mitchell, Whittle, Adams of Manchester, Parker of Merrimack, Sawyer of Milford, Wadleigh, Saunders, Sawyer of Nashua, Wellman of Nashua, Greenwood, Rockwood, Davis of New Ipswich, Tubbs of Peterborough, Felt of Peterborough, Keyes, Story, Gove.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Bailey of Jaffrey, Abbott, Lane of Keene, Gates, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Buckminster, Felt of Sullivan, Holbrook, Farrar, Bates, Humphrey of Winchester, Perkins of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Colby of Claremont, Brewer, Briggs, Tracy, Wellman of Cornish, Humphrey of Croydon, Fowler, Slader, Barton, Wilcox.

Grafton County. Hibbard, Batchelder of Bridgewater, Taylor of Bristol, Bartlett of Canaan, Follansbee, Smith of Enfield, Clark of Enfield, Blood of Groton, Hubbard of Hanover, Kimball, Cotton of Haverhill, Mason of Hill, Smith of Holderness, Hughes, Downs, Parker of Lisbon, Ash, Hoskins, Thurston, Williams, Underhill, Rogers of Piermont, Marston, Shute.

Coos County. Harris of Colbrook, Cone, Legro, Roberts, Washburn.

Yeas, 108; nays, 183.

So the motion did not prevail.

On motion of Mr. Wheeler, of Dover,

Resolved, That when the House adjourns, it adjourn to meet at half past two o'clock this afternoon.

On motion of Mr. Wheeler, of Dover,

The House adjourned.

AFTERNOON.

Mr. Campbell, of Amherst, from the select committee to whom was referred so much of the message of His Excellency the Governor as relates to finance, reported a bill entitled An act to provide for the funding of the State debt, which was then read a first time.

On motion of Mr. Saunders, of Nashua, the bill was laid upon the table and ordered to be printed.

BILLS INTRODUCED, READ A FIRST AND SECOND TIME AND REFERRED.

To the Committee on the Judiciary :

By Mr. Barton, of Newport, An act authorizing cities and towns to fund their debts.

By Mr. Wood, of Rollinsford, An act to prevent injustice to the town of Rollinsford.

By Mr. Page, of Warren, An act for the relief of towns.

To the Committee on Banks :

By Mr. Adams, of Manchester, An act in relation to the taxation of deposits in savings banks.

To the Committee on Printers' Accounts :

By Mr. Barton, of Newport, An act in amendment of chapter 964 Pamphlet Laws, relating to public printing.

To the Committee on Agriculture :

By Mr. Walker, of Portsmouth, An act to prevent the destruction of bass in Great Bay and its tributaries.

The following joint resolution, introduced by Mr. Little, of Manchester, was read a first and second time and referred to the Committee on Military Affairs :

Resolved by the Senate and House of Representatives in General Court convened, That the sum of three hundred dollars be appropriated out of any money in the treasury not otherwise appropriated, in part payment of a gun house at Lyndeborough, N. H., for the use of the Lyndeborough Artillery, and that the Governor be authorized to draw his warrant on the treasury therefor.

By leave, Mr. Adams, of Manchester, introduced a bill entitled An act in amendment of chapter 190 of the Revised Statutes, which bill was read a first time, and refused a second reading.

Mr. Wheeler, of Dover, from the Special Committee to whom was referred so much of the Governor's message as related to the raising of troops reported a bill entitled An act to facilitate the raising of troops, which bill was read a first time, and on motion of Mr. Wheeler, it was laid upon the table and ordered to be printed.

PETITIONS, &C., PRESENTED AND REFERRED.

To the Committee on the Judiciary :

By Mr. Wheeler, of Dover, the petition of John S. Hayes and others for modification of fees of Register of Deeds.

To the Committee on Agriculture :

By Mr. Walker, of Portsmouth, the petition of Rufus W. Weeks and others for the protection of bass in Great Bay.

The House then resumed the unfinished business of the morning being the consideration of the bill entitled An act to enable the qualified voters of the State engaged in the military service of the country to vote for Electors of President and Vice President of the United States, and for Representatives in Congress, the question being,—Shall the bill be read a third time?

Mr. McNeil, of Hillsborough, moved to amend the bill by striking out all after the enacting clause and inserting the following:

"SECTION 1. All qualified voters of this State, who shall be in the actual military service of the United States on the days appointed by law for the choice of Electors of President and Vice President of the United States, and for Representatives of this State in the Congress of the United States, shall be entitled to exercise the right of suffrage for said officers in the several cities and towns from which they were enlisted.

SECTION 2. The Governor is hereby authorized and required to request the Secretary of War to grant thirty days

furlough to all such qualified voters to return to their respective residences, in order to so exercise their right of suffrage, in the same way and manner in which special furloughs were granted at the last March election, provided that they shall not be pledged to vote for any particular candidate."

And the question being stated,

Shall the amendment be adopted?

It was decided in the negative.

Those who voted in the affirmative were Messrs.

Rockingham County. York, Coleman of Newington, Batchelder of Nottingham, Odiorne, Wendell, Prescott of Raymond, Perkins of Rye, Cotton of Sandown.

Strafford County. Bartlett of Lee, Leighton, Joy, Tuttle, Foss.

Belknap County. Dow of Barnstead, Colbath, Reynolds of Centre Harbor, Dearborn, Prescott of Sanbornton, Folsom of Upper Gilmanton.

Carroll County. Ayers, Pitman, Thompson of Conway, Eastman of Conway, Drew of Eaton, Taylor of Effingham, Bennett of Freedom, Hodge of Jackson, Warren, Hobbs, Blaisdell of Tuftonborough, Smith of Wakefield, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Clough, Lake, Hutchins, Doe, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Dana, Cate, Reynolds of Pittsfield, Palmer, Calef, Watson, Colby of Warner, Andrews.

Hillsborough County. Whittemore, Smith of Deering, Russell, Spaulding, McNeil, Coolidge, Baldwin, Little of Manchester, Connor, Bruce, Bailey of Nashua, Cahill, Roby of Nashua, Fox, Sherburne, Taggart, Emerson of Windsor.

Cheshire County. Chapin, Jones of Marlow, Weeks of Stoddard, Lombard, Patten.

Sullivan County. McLaughlin, Parker of Lempster, Rowell, Philbrick, Knowlton, Gage.

Grafton County. Witcher, Sinclair, Hodgman, Dean, Eaton, Pease of Ellsworth and Waterville, Whitney, Quint, Morse of Hebron, Knight, Bingham, Eastman of Littleton, Quincy, Page of Warren.

Cos County. Young of Clarksville, Ruggles, Cole, Wright of Erroll, Tubbs of Gorham, Plaisted, Ingalls, Young of Stewartstown, Marshall of Stratford, Aldrich, Wheeler.

Those who voted in the negative were Messrs.

Rockingham County. Dow of Atkinson, Preston, Ladd, Gilchrist, Crawford, Dimond, Brown of Deerfield, Sawyer of Deerfield, Adams of Derry, Currier of East Kingston, Wingate, Moses, Robinson of Fremont, Weeks of Greenland, Moulton, Tilton, Marshall of Kingston, Platts, Dodge, Me-loon, Stackpole, Creighton, Willey, Hurd, Walker, Moran, Hill of Portsmouth, Yeaton, Austin of Salem, Woodbury, Weare, Currier of South Hampton, French, Emerson of Windham.

Strafford County. Young of Barrington, Drew of Barrington, Wyatt, Morrill, Bickford, Wheeler of Dover, Brewster, Nute, Parker of Farmington, Curtis, Austin of Madbury, Jones of Milton, Hall of Rochester, Horne, Hayes, Wood, Shackford, Wakefield.

Belknap County. Bennett of Alton, Emerson of Alton, Kelley, Brown of Gilmanton, Weeks of Gilford, Robie of Gilford, Wiggin, Burden.

Carroll County. Coleman of Brookfield, Blaisdell of Madison, Gould, Standley.

Merrimack County. Harris of Boscawen, Merriam, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Sargent, Aiken, Burleigh of Franklin, Nickelson, Bunker, Whitehouse, Little of Webster.

Hillsborough County. Campbell of Amherst, True, Smith of Brookline, Hodge of Francestown, Greer, Kennedy, Greeley, Pike, Goodrich of Lynde-borough, Pearson, Thayer, Hill of Manchester, Pulsifer, Clarke of Manches-ter, Johnson, Montgomery, Moore, Knowles, Mitchell, Whittle, Parker of Merrimack, Sawyer of Milford, Wadleigh, Scripture, Saunders, Sawyer of Nashua, Greenwood, Davis of New Ipswich, Felt of Peterborough, Keyes, Story.

Cheshire County. Cooke, Goodrich of Chesterfield, Whitcomb, Bailey of Jaffrey, Abbott, Lane of Keene, Gates, Barker, Willard, Mason of Marlbo-rough, Goodhue of Nelson, Stearns, Buckminster, Felt of Sullivan, Hol-brook, Bates, Humphrey of Winchester, Perkins of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Colby of Claremont, Brewer, Briggs, Tracy, Wellman of Cornish, Humphrey of Croydon, Slader, Wilcox.

Grafton County. Hibbard, Batchelder of Bridgewater, Taylor of Bristol, Bartlett of Canaan, Follansbee, Smith of Enfield, Blood of Groton, Hubbard of Hanover, Kimball, Cotton of Haverhill, Mason of Hill, Smith of Holder-ness, Hughes, Downs, Parker of Lisbon, Ash, Hoskins, Thurston, Williams, Underhill, Rogers of Piermont, Marston, Shute.

Coos County. Harris of Colebrook, Cone, Legro, Roberts, Washburn.

Yeas 106, nays 167.

So the amendment was rejected.

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On motion of Mr. Sawyer, of Nashua, the bill was amended by adding at the close of the 8th section, the following words.

"*Provided*, however, that this act shall be of no effect but shall become inoperative and void if a majority of the Supreme Court shall determine it unconstitutional; and it shall be the duty of the Governor of this State to obtain an opinion upon the constitutionality of the bill and make it known through the newspapers on or before the next presidential election."

The bill was then ordered to a third reading.

On motion of Mr. Wheeler, of Dover, the rules were suspended, and the bill was read a third time.

And the question being stated,

Shall the bill pass?

On this question the yeas and nays were demanded, were called, and were as fellows:

Those who voted in the affirmative were Messrs.

Rockingham County. Preston, Ladd, Gilchrist, Crawford, Dimond, Brown of Deerfield, Sawyer of Deerfield, Eastman of Derry, Currier of East Kingston, Wingate, Moses, Robinson of Fremont, Weeks of Greenfield, Moulton, Tilton, Marshall of Kingston, Piatts, Dodge, Meloan, Stackpole, Creighton, Willey, Hurd, Walker, Moran, Hill of Portsmouth, Tucker, Yeaton, Austin of Salem, Woodbury, Wear, Currier of South Hampton, French, Emerson of Windham.

Strafford County. Young of Barrington, Drew of Barrington, Wyatt, Morrill, Bickford, Wheeler of Dover, Brewster, Nute, Parker of Farmington, Curtis, Austin of Madbury, Jones of Milton, Hall of Rochester, Horne, Hayes, Wood, Shackford, Burleigh of Somersworth, Wakefield.

Belknap County. Emerson of Alton, Colbath, Kelley, Brown of Gilman, Weeks of Gilford, Robie of Gilford, Wiggin, Burden.

Carroll County. Coleman of Brookfield, Blaisdell of Madison, Gould of Sandwich, Hubbard of Tamworth, Standley.

Merrimack County. Harris of Boscawen, Merriam, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Sargent, Aiken, Burleigh of Franklin, Nickelson, Bunker, Whitehouse, Little of Webster.

Hillsborough County. Campbell of Amherst, True, Riddle, Smith of Brookline, Hodge of Francestown, Greer, Kennedy, Greeley, Pike, Goodrich of Lyndeborough, Pearson, Thayer, Hill of Manchester, Pulsifer, Clarke of Manchester, Johnson, Montgomery, Moore, Knowles, Mitchell, Whittle, Parker of Merrimack, Sawyer of Milford, Wadleigh, Scripture, Saunders, Sawyer of Nashua, Cahill, Greenwood, Rockwood, Davis of New Ipswich, Felt of Peterborough, Keyes, Story, Gove.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitecomb, Bailey of Jaffrey, Abbott, Lane of Keene, Gates, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Stearns, Buckminster, Felt of Sullivan, Holbrook, Bates, Humphrey of Winchester, Perkins of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Colby of Claremont, Brewer, Briggs, Tracy, Wellman of Cornish, Humphrey of Croydon, Fowler, Slader, Barton, Wilcox, Gage.

Grafton County. Hibbard, Batchelder of Bridgewater, Taylor of Bristol, Bartlett of Canaan, Follansbee, Smith of Enfield, Clark of Enfield, Blood of Groton, Hubbard of Hanover, Dow of Hanover, Kimball, Cotton of Haverhill, Mason of Hill, Smith of Holderness, Hughes, Downs, Parker of Lisbon, Ash, Hoskins, Thurston, Williams, Underhill, Rogers, of Piermont, Marston, Shute.

Coo's County. Harris of Colebrook, Cone, Legro, Roberts, Washburn.

Those who voted in the negative were Messrs.

Rockingham County. York, Coleman of Newington, Batchelder of Newton, Batchelder of Nottingham, Odiome, Wendell, Prescott of Raymond, Perkins of Rye, Cotton of Sandown.

Strafford County. Bartlett of Lee, Leighton, Joy, Tuttle.

Belknap County. Bennett of Alton, Dow of Barnstead, Reynolds of Centre Harbor, Dearborn, Prescott of Sanbornton, Folsom of Upper Gilmanton.

Carroll County. Ayers, Pitman, Thompson of Conway, Eastman of Conway, Drew of Eaton, Taylor of Effingham, Bennett of Freedom, Hodge of Jackson, Warren, Roles, Hobbs, Blaisdell of Tuftonborough, Smith of Wakefield, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Clough, Lake, Hutchins, Doe, Putney, Bailey of Hopkinton, Batchelder of Loudon, Dana, Cate, Reynolds of Pittsfield, Palmer, Calef, Watson, Colby of Warner, Andrews.

Hillsborough County. Whittemore, Smith of Deering, Russell, Spaulding, McNeil, Coolidge, Baldwin, Little of Manchester, Connor, Bruce, Bailey of Nashua, Roby of Nashua, Fox, Sherburne, Taggart, Barrett, Emerson of Windsor.

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Cheshire County. Chapin, Jones of Marlow, Weeks of Stoddard, Lombard, Patten.

Sullivan County. McLaughlin, Parker of Lempster, Rowell, Knowlton, Lewis, Gage.

Grafton County. Whitcher, Sinclair, Hodgman, Dean, Eaton, Pease of Ellsworth and Waterville, Whitney, Morse of Hebron, Knight, Bingham, Eastman of Littleton, Quincy, Page of Thornton, Page of Warren, Campbell of Woodstock and Lincoln.

Coos County. Young of Clarksville, Ruggles, Cole, Wright of Erroll, Tubbs of Gorham, Plaisted, Ingalls, Young of Stewartstown, Marshall, of Stratford, Aldrich, Wheeler.

Yeas 178, nays 107.

So the bill passed, and was sent to the Senate for concurrence.

On motion of Mr. Barton,

Resolved, That when the House adjourn this afternoon it adjourn to meet at 9 o'clock to-morrow morning.

On motion of Mr. Sinclair, of Bethlehem, the bill entitled an act to assume certain expenses and indebtedness of the several cities and towns in this State, was taken from the table and referred to the Committee on the Judiciary.

On motion of Mr. Briggs, of Claremont,

The House adjourned.

FRIDAY, August 12, 1864.

PETITIONS, &C., PRESENTED AND REFERRED.

To the Committee on Claims :

By Mr. Walker, of Portsmouth, the account of Stevens & Duncklee.

To Committee on Military Affairs :

By Mr. Rolfe, of Concord, the petition of Walter H. Bean, and the petition of W. C. Sargent, severally praying for State aid.

The following message was received from the Senate by the clerk.

Mr. Speaker—

The Senate have passed a joint resolution authorizing the Adjutant General to procure a set of colors for the 1st New Hampshire Cavalry, in the passage of which they ask the concurrence of the House of Representatives.

The Senate have passed the House resolution relating to the temporary loan, with the accompanying amendment, in the passage of which amendment they ask the concurrence of the House of Representatives.

The joint resolution, sent down from the Senate, authorizing the Adjutant General to procure a set of colors for the First New Hampshire Cavalry, was then read a first and second time and referred to the Committee on Military Affairs.

The House then refused to concur with the Senate in the adoption of the amendment by them proposed to the joint resolution relating to a temporary loan.

On motion of Mr. Burleigh, of Somersworth,

Resolved, That information be given the Honorable Senate that a committee of ten has been appointed on the part of the House to consider so much of the message of His Excellency, the Governor, as relates to the Auditor of Accounts and other subjects, such as the assumption of the town debts, the Agricultural College, the reduction of our excessive representation, and the right of soldiers to vote, and to inquire whether or not the charges made by the Governor against the Legislature as to the responsibility for the necessity of its re-assembling are founded in fact and justifiable; whether or not the Legislature has been guilty of the gross neglect charged by the Governor; whether or not His Excellency has taken proper and efficient means to raise money and troops, and to carry out the legislation of the late session, and also what number of troops have been raised in the State since the adjournment of the Legislature; said committee to report such facts and recommend such legislation as they may deem expedient, and that the Senate be requested

to join a committee on their part on the same subjects, to the committee on the part of the House, constituting said committees a joint committee of both branches.

Mr. Martin, of Manchester, from the Committee on Banks, to whom was referred the petition of George W. Nesmith and others, reported a bill entitled An act to incorporate the President, Directors and Company of the Kearsarge Bank, which bill was read a first time.

On motion of Mr. Parker, of Merrimack, the rules were suspended, and the bill was read a second time, and ordered to a third reading.

Mr. Wyatt, of Dover, from the same committee, to whom was referred a bill entitled An act in relation to the taxation of deposits in savings' banks, reported the same without amendment, and the bill was ordered to a third reading.

Mr. Briggs, of Claremont, from the Committee on Printers' Accounts, to whom was referred a resolution relating to the printing of the Adjutant General's Report for 1865, reported the same without amendment, and the resolution was ordered to a third reading.

Mr. Briggs, from the same committee, to whom was referred the account of Gage, Moore & Co., reported the following joint resolution, which was read a first time and ordered to a second reading:

Resolved by the Senate and House of Representatives in General Court convened, That Gage, Moore & Co., be allowed nine dollars and twenty-five cents (\$9.25) in full for their account, and that the same be paid out of any money in the Treasury, not otherwise appropriated.

Mr. Barton, of Newport, from the Committee on the Judiciary, to whom was referred the petition of John S. Hayes and others, reported the following resolution, which was adopted:

Resolved, That the petitioners have leave to withdraw their petition.

Mr. Bingham, of Littleton, from the same committee, to whom was referred a bill entitled An act authorizing cities and towns to fund their debts, reported the same without amendment, and the bill was ordered to a third reading.

Mr. Wheeler, of Dover, from the same committee, to whom was referred a bill entitled An act for the relief of towns, reported the following resolution, which was adopted:

Resolved, That the same be indefinitely postponed.

[Mr. Page, of Warren, in the Chair.]

Mr. Clarke, from the same committee, to whom was referred the bill entitled An act to assume certain expenses and indebtedness of the several cities and towns in this State, reported the following resolution:

Resolved, That the further consideration of the same be postponed to the next session of the Legislature.

The following further report was submitted by a minority of the same committee.

The undersigned of the committee, to whom was referred the bill entitled An act to assume certain expenses and indebtedness of the several cities and towns in this State, submit the following minority report:

Justice to the cities and towns requires the assumption by the State of the expenses and indebtedness referred to in the bill. They were incurred for a purpose common to the whole State, and in discharge of obligations pecuniarily resting on it, which belonged to the State to discharge, the furnishing of its quota under the call made on it by the general government for troops. Favorable circumstances in some of the cities and large towns in the State have rendered the bounties necessary to be paid by them to obtain volunteers, especially under the earlier calls much less than were necessary for the same purpose in the smaller towns. The result has been a disproportionately increased burden on the latter towns, though having less ability to sustain them. That inequality should be rectified and it can only be done by some such provisions as are contained in this bill. The cities and towns imperatively require the relief contemplated by the bill. Very nearly all the expenses referred to have been on the credit of the cities and towns and constitute an indebtedness now outstanding against them to an amount of several millions of dollars in the aggregate. By this means their credit is now greatly embarrassed, if not exhausted for the purposes of their ordinary affairs.

With but few exceptions this indebtedness consists in notes payable on demand, given for comparatively small sums to a great number of individuals, and thus constituting a great multiplicity of claims against the cities and towns. For the amount of these claims the cities and towns are liable to be called upon at any time.

But it would be impossible in most if not all of them, to meet their obligations if called upon at once, and the result would be suits without number, adding expense and increasing the burdens, which would fall on the persons and property of the citizens by whom they must ultimately be borne. With so large an amount of indebtedness involving so many towns, the consequence must be the greatest sacrifice of the property of the citizens, if not even their bankruptcy and ruin. The citizens of this State should be relieved from any liability to such calamities.

Many of these notes have been given to the volunteers themselves for the amount of their bounties, and they or their families need early payment for their support, and in very many other cases the loans to the towns were merely temporary by those who will require payment soon. These causes will create a demand on the towns for payment of the notes, and the increasing stringency of the money market and the better rates of interest which are offered in other quarters for money, will tend to increase that demand. Especially will this be the case when our own State with its superior credit, itself offers a better rate of interest for loans to it. To attempt to avoid these consequences by authorizing the cities and towns to pay higher rates of interest would only aggravate their burdens. The needed relief should not and cannot safely be delayed. If justice to the cities and towns requires that these burdens should ever be assumed by the State, they should be so assumed at once; such an assumption at a future day may be too late. The conferring of the right to fund these debts on the cities and towns will not give the needed relief. That right they already have. For the reasons we have suggested the persons holding the notes will not be able or willing to convert them into bonds having a long day of payment, and the credit of the towns is local; their bonds however good, in reality will be unknown and therefore unavailable in markets abroad. Hence they will not answer the intended purpose. The bill provides for the

issue of the bonds of the State to the cities and towns for such portion of the expenses and indebtedness referred to as may on examination be found reasonable and proper.

The superior credit of the State will enable the cities and towns on those bonds to raise the money abroad which cannot be found at home, and pay their debts and thus do justice to their creditors and save their own citizens from impending danger.

The objections made that the issue of the large amount of bonds which would be required by the provisions of the bill, by the State at this time would impair the credit of the State, and thus embarrass the raising of the funds required for its own necessities seems to us futile. The debt of the State and these debts of the several cities and towns are in reality but the indebtedness of the same persons, the citizens of the State. Besides the fact that their debts may have already been assumed by the State will not effect its credit any more than the understanding that if not assumed now they will be so assumed hereafter, would effect it. To that result we must come sooner or later, and why not now, when it can be done and before the cities and towns have been made to suffer? With these views we recommend the passage of the act.

JOHN G. SINCLAIR,
H. BINGHAM.

The question being stated,

Shall the resolution reported by the majority of the committee pass?

On this question the yeas and nays were demanded, were called, and were as follows:

Those who voted in the affirmative were Messrs.

Rockingham County. Gilchrist, Crawford, Dimond, Adams of Derry, Eastman of Derry, Wingate, Moses, Robinson of Fremont, Weeks of Greenland, Moulton, Tilton, Marshall of Kingston, Platts, Dodge, Stackpole, Creighton, Willey, Hurd, Walker, Moran, Hill of Portsmouth, Hackett, Yeaton, Woodbury, Wearé, French, Emerson of Windham.

Strafford County. Wyatt, Morrill, Bickford, Wheeler of Dover, Brewster, Nute, Parker of Farmington, Curtis, Austin of Madbury, Jones of Milton, Hall of Rochester, Horne, Hayes, Wakefield.

Belknap County. Emerson, of Alton, Kelley, Brown of Gilmanton, Weeks of Gilford, Robie of Gilford, Wiggin, Burden.

Carroll County. Blaisdell of Madison, Gould, Hubbard of Tamworth, Standley.

Merrimack County. Harris of Boscawen, Farnum, Elwell, Paige of Concord, Rolfe, Davis of Concord, Thompson of Concord, Sargent, Burleigh of Franklin, Nickelson, Whitehouse, Little of Webster.

Hillsborough County. Campbell of Amherst, True, Riddle, Smith of Brookline, Hodge of Francetown, Kennedy, Greeley, Pike, Goodrich of Lyndeborough, Pearson, Thayer, Hill of Manchester, Pulsifer, Martin, Clarke of Manchester, Johnson, Gardner, Montgomery, Knowles, Mitchell, Whittle, Parker of Merrimack, Sawyer of Milford, Wadleigh, Saunders, Sawyer of Nashua, Wellman of Nashua, Greenwood, Rockwood, Davis of New Ipswich, Tubbs of Peterborough, Keyes, Story, Gove,

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Bailey of Jaffrey, Abbott, Lane of Keene, Gates, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Stearns, Buckminster-Felt of Sullivan, Holbrook, Bates, Humphrey of Winchester, Perkins of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Colby of Claremont, Brewer, Briggs, Tracy, Wellman of Cornish, Fowler, Slader, Barton, Wilcox.

Grafton County. Hibbard, Bartlett of Canaan, Follansbee, Smith of Enfield, Clark of Enfield, Blood of Groton, Dow of Hanover, Kimball, Cotton of Haverhill, Mason of Hill, Hughes, Parker of Lisbon, Ash, Hoskins, Thurston, Underhill, Rogers of Piermont.

Cook County. Harris of Colebrook, Cone, Tubbs of Gorham, Roberts.

Those who voted in the negative were Messrs.

Rockingham County. York, Coleman of Newington, Batchelder of Newton, Batchelder of Nottingham, Odiorne, Wendell, Prescott of Raymond, Perkins of Rye, Cotton of Sandown.

Trafford County. Bartlett of Lee, Leighton, Joy, Tuttle, Foss.

Belknap County. Dow of Barnstead, Colbath, Reynolds of Centre Harbor, Dearborn, Prescott of Sanbornton, Folsom of Upper Gilmanton.

Carroll County. Ayers, Pitman, Thompson of Conway, Eastman of Conway, Drew of Eaton, Taylor of Effingham, Bennett of Freedom, Hodge of Jackson, Hobbs, Blaisdell of Tuftonborough, Smith of Wakefield, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Clough, Lake, Doe, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Dana, Cate, Reynolds of Pittsfield, Palmer, Calef, Watson, Colby of Warner, Andrews.

Hillsborough County. Whittemore, Smith of Deering, Russell, Spaulding, McNeil, Coolidge, Baldwin, Little of Manchester, Connor, Bruce, Bailey of Nashua, Cahill, Roby of Nashua, Fox, Sherburne, Taggart, Barrett, Emerson of Windsor.

Cheshire County. Chapin, Jones of Marlow, Weeks of Stoddard, Lombard.

Sullivan County. McLaughlin, Parker of Lempster, Rowell, Philbrick, Knowlton, Lewis, Gage.

Grafton County. Whitcher Sinclair, Batchelder of Bridgewater, Hodgman, Dean, Eaton, Pease of Ellsworth and Waterville, Whitney, Quint, Morse of Hebron, Knight, Bingham, Eastman of Littleton, Shute, Quincy, Page of Thornton, Page of Warren.

Cos County. Young of Clarksville, Ruggles, Cole, Wright of Erroll, Plaisted, McIntire, Ingalls, Washburn, Young of Stewartstown, Marshall of Stratford, Aldrich, Wheeler.

Yeas 148; nays 109.

So the resolution passed.

The following message was received from the Senate by their Clerk:

Mr. Speaker—

The Senate adhere to their amendment to the House resolution relating to a temporary loan, and have appointed Senators Straw, Blaisdell and Bingham, with such as the House may join as a Committee of Conference, in the appointment of which committee the concurrence of the House of Representatives is requested.

The Senate concur in the appointment of a joint committee to consider the several subjects embraced in the message of His Excellency the Governor, and join on their part Senators Blaisdell and Smith as such committee.

The House then concurred with the Senate in the appointment of a Committee of Conference, on the resolution relating to a temporary loan, and the Speaker appointed Messrs. Sawyer of Nashua, Campbell of Amherst, and Burleigh of Somersworth, said committee on the part of the House.

Mr. Bailey, of Nashua, from the Committee on Military Affairs, to whom was referred a joint resolution authorizing the Adjutant-General to procure a set of colors for the 1st New Hampshire Cavalry, report the following preamble and resolution:

WHEREAS, the joint resolution authorizing the Adjutant-General to procure a set of colors for the 1st New Hampshire Cavalry, sent down from the Senate at the present session, being a bill for the appropriation of money, and accordingly in violation of the 18th section of the Constitution of New Hampshire, said resolution having originated in the Senate, therefore,

Resolved, That said joint resolution be returned to the Honorable Senate.

The resolution was adopted.

Mr. Parker, of Merrimack, introduced the following resolution :

Resolved, That when the House adjourn this forenoon, it adjourn to meet this afternoon at 2 o'clock, and when it adjourn this afternoon, it adjourn to meet on Monday next at 2 o'clock in the afternoon.

On motion of Mr. Clarke, of Manchester, the resolution was amended by striking out all after the words "2 o'clock," and the resolution was then adopted.

Mr. Folsom, of Upper Gilmanton, gave notice that he would, on some subsequent day, ask leave to introduce a bill to authorize cities and towns to pay bounties to re-enlisted men and certain other soldiers.

On motion of Mr. Cahill, of Nashua, the Committee of Conference in relation to the joint resolution relative to a temporary loan, were instructed to report progress at two o'clock this afternoon.

On motion of Mr. Smith, of Deering,

The House adjourned.

AFTERNOON.

Mr. Little, of Manchester, gave notice that on to-morrow or some subsequent day he should ask leave to introduce a bill entitled An act to prevent the defacing of private property and natural objects by quack medicine notices and other advertisements.

Mr. French, of Stratham, from the Committee on Military Affairs, to whom was referred the petition of Walter H. Bean and W. C. Sargent for State aid, reported the following resolution, which was adopted:

Resolved, That the same be referred to the Governor and Council for consideration and adjustment.

Mr. Adams, from the committee on Military Accounts, to whom was referred the resolution in favor of James B. Gove, reported the same without amendment, and it was ordered to a third reading.

Mr. Briggs, of Claremont, from the committee on Printers' Accounts, to whom was referred the bill entitled An act in amendment of Chapter 964 of the Pamphlet Laws, relating to the public printing, reported the same without amendment, and it was ordered to a third reading.

Mr. French, of Stratham, from the select committee on the raising of troops, to whom was referred the joint resolution authorizing the Governor to refund money to drafted men, reported the following resolution.

Resolved, That the same be indefinitely postponed.

On motion of Mr. Bailey, of Nashua, the report and resolution were laid upon the table, and their further consideration assigned for Tuesday next, at 11 o'clock, A. M.

Mr. Sawyer, of Nashua, submitted the following report:

The committee of conference appointed by the Senate and House, to consider the joint resolution authorizing a temporary loan and the amendment thereto proposed by the Senate and disagreed to by the House, have considered the same, and report as a substitute for the original resolution and the amendment thereto, the following joint resolution, and recommend its passage:

E. A. STRAW,	}	<i>Committee on the part of the Senate.</i>
DANIEL BLAISDELL,		
GEO. A. BINGHAM,		
A. W. SAWYER,	}	<i>Committee on the part of the House.</i>
C. H. CAMPBELL,		
GEO. WM. BAILEY,		

Friday, August 12, 1864.

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THE STATE OF NEW HAMPSHIRE.

In the year of our Lord one thousand eight hundred and sixty-four.

Resolved by the Senate and House of Representatives in General Court convened:

SECTION 1. That the temporary loan of one million five hundred thousand dollars authorized by the joint resolution of the June session, A. D., 1864, may be procured by the Treasurer in such sums and for such time, not exceeding one year, as he may consider proper, and upon such terms and conditions as shall be approved by the Governor and Council; *Provided*, that at least one half of the loan obtained by authority of this resolution shall be in accordance with the best bids obtained by public advertisements, unless such bids shall be at a higher rate of interest than the Governor and Council shall deem it proper to pay, and the Treasurer is hereby directed to reimburse the same by the sale of the bonds of the State, authorized during this session.

SEC 2. Every bid, proposal, loan or transaction in regard to the loan authorized by this resolution shall be a matter of record by the State Treasurer and Auditor, and the books in which the records are made shall be always open to public inspection.

The joint resolution was then read a first time.

On motion of Mr. Wheeler, of Dover, the rules were suspended, and the resolution was read a second and third time and sent to the Senate for concurrence.

Mr. Sinclair, of Bethlehem, from the select committee, to whom was referred that part of the Governor's message relating to State Auditor, reported the following resolution, which was adopted:

Resolved, That it is the duty of the Legislature to proceed to the election of State Auditor at the present session.

On motion of Mr. Wheeler, of Dover, the bill entitled An act to facilitate the raising of troops, was taken from the table.

The question being stated,

Shall the bill be read a second time?

It was decided in the affirmative.

Mr. Wheeler then moved that the rules be suspended, and the bill be read a second time by its title, pending which,

On motion of Mr. Little, of Manchester, the House then adjourned to meet on Monday afternoon at 4 o'clock.

MONDAY, August 15, 1864.

The journal of Friday was read and approved.

Mr. Clough, of Canterbury, presented the petition of Eliphalet Gale and others, praying for the passage of a law authorizing the Governor and Council and the various cities and towns to pay such bounties as they may see fit, which was referred to the Committee on Military Affairs.

Mr. Downs, of Lebanon, presented the account of E. H. Cheney, which was referred to the Committee on Printers' Accounts.

The following bills were then introduced, read a first and second time and referred as follows.

To the Committee on the Judiciary:

By Mr. Bailey, of Nashua; An act regulating the counting of votes in certain cases.

To the Committee on Banks:

By Mr. Gould, of Sandwich; An act in relation to the Carroll County Bank.

To the Committee on Incorporations:

By Mr. Wadleigh, of Milford; An act to incorporate the Milford Hotel Company.

To the Select Committee on the Raising of Troops:

By Mr. Folsom, of Upper Gilmanton; An act to authorize cities and towns to pay bounties to re-enlisted men and certain others.

Monday, August 15, 1864.

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The following message was received from the Senate by their clerk.

Mr. Speaker—

The Senate concur with the House of Representatives in the passage of the joint resolution relating to a temporary loan.

The following message was received from His Excellency the Governor.

EXECUTIVE DEPARTMENT,
Concord, August 15, 1864. }

Gentlemen of the Senate and House of Representatives :

I submit herewith the written opinion of the judges of the Supreme Judicial Court upon the Act creating the office of Auditor of Accounts, which opinion has been handed to me since your adjournment on Friday last.

I also submit a copy of a telegram just received from the War Department authorizing the State to raise a company of artillery for not less than one year's service.

J. A. GILMORE.

On motion of Mr. Wheeler of Dover, the message and accompanying documents were laid upon the table.

The House resumed the consideration of the bill entitled An act to facilitate the raising of troops, which was then read a second time by its title.

On motion of Mr. Wheeler, the bill was then postponed and made the special order for Tuesday morning at 10 o'clock.

Mr. Hibbard, of Bath, gave notice that he should move a reconsideration of the vote whereby the House indefinitely postponed the bill entitled An act in relation to the assumption of the town debts, he having voted in the affirmative.

Mr. Bingham, of Littleton, moved that the House adjourn. And the question being stated. Shall the House adjourn?

On this question the yeas and nays were demanded, were called, and were as follows:

Those who voted in the affirmative were Messrs.

Rackingham County. Dow of Atkinson.

Strafford County. Wheeler of Dover, Leighton.

Belknap County. Reynolds of Centre Harbor.

Carroll County. Bennett of Freedom, Warren, Roles, Gould of Sandwich.

Merrimack County. Swett, Harris of Boscawen, Lake, Merriam, Elwell, Webster, Dana, Cate, Watson, Andrews.

Hillsborough County. Campbell of Amherst, Riddle, Smith of Brookline, Smith of Deering, Hodge of Francestown, Russell, McNeil, Baldwin, Clarke of Manchester, Davis of New Ipswich, Tubbs of Peterborough, Taggart, Story.

Cheshire County. Cooke, Chapin, Lane of Keene, Barker, Willard, Mason of Marlborough, Stearns, Farrar.

Sullivan County. Prentiss, Tracy, Slader, Barton, Knowlton.

Grafton County. Hibbard, Whitcher, Bartlett of Canaan, Follansbee, Dean, Smith of Enfield, Whitney, Quint, Dow of Hanover, Kimball, Cotton of Haverhill, Downs, Bingham, Hoskins, Williams, Underhill, Shute.

Coos County. Ruggles, Cole, Wright of Erroll, Ingalls, Washburn, Young of Stewartstown, Marshall of Stratford, Wheeler of Berlin.

Those who voted in the negative were Messrs.

Carroll County. Blaisdell of Madison.

Merrimack County. Paige of Concord, Rolfe, Thompson of Concord, Calef.

Hillsborough County. Wadleigh.

Cheshire County. Goodrich of Chesterfield, Smith of Dublin, Abbott Bates.

Sullivan County. Brewer, Wilcox.

Grafton County. Ash, Page of Thornton.

Coos County. Young of Clarksville, Cone, McIntire.

Yeas 69, nays 17.

So the House adjourned.

Tuesday, August 16, 1864.

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TUESDAY, August 16, 1864.

The journal of yesterday was read and approved.

The following petitions were severally presented and referred as follows.

To the Committee on Finance :

By Mr. Wendell, of Portsmouth, the petition of Samuel W. Moses and others.

By Mr. Whitcher, of Benton, the petition of Sargent Moody and others; of A. F. Pike, and others; of Geo. W. Mann and others; and of Jefferson Pennock and others.

By Mr. Batchelder, of Nottingham, the petition of Thomas Stevens and others.

By Mr. Bartlett, of Lee, the petition of Allen Plummer and others.

By Mr. Page, of Warren, the petition of the selectmen of Wentworth and others.

By Mr. Hibbard, of Bath, the petition of Charles M. How and others.

By Mr. Bingham, of Littleton, the petition of H. S. Tilton and others.

Mr. Riddle, of Bedford, from the Committee on Banks, to whom was referred the bill entitled An act to increase the capital stock of the Carroll County Bank reported the same without amendment, and it was ordered to a third reading.

Mr. Bingham, of Littleton, from the Committee on the Judiciary, to whom was referred the resolution instructing them to inquire and report whether it is competent to proceed to the election of an Auditor of Accounts at the present session reported the following resolution which was adopted.

Resolved, That in the opinion of said committee it is competent for the Legislature at this session to proceed to the election of an Auditor of Accounts.

Mr. Bingham, of Littleton, from the same committee to whom was referred a bill entitled An act to prevent injustice to the town of Rollinsford, reported the following resolution which was adopted.

Resolved, That said bill be indefinitely postponed.

Mr. Emerson, of Windham, from the Committee on Engrossed Bills, reported that they had examined and find correctly engrossed, a resolution authorizing a temporary loan.

By leave, Mr. Bailey, of Nashua, introduced the following joint resolution, which was read a first and second time, and referred to the Committee on Military Affairs:

STATE OF NEW HAMPSHIRE.

In the year of our Lord, one thousand eight hundred and sixty-four.

Resolved by the Senate and House of Representatives in General Court convened, That the Adjutant General be authorized to procure a suitable set of colors for the First Regiment of New Hampshire Cavalry, and that the same be paid for out of any money in the treasury not otherwise appropriated, and that the Governor be authorized to draw his warrant upon the treasury for the same.

The following bills were introduced, read a first and second time, and referred to the Committee on the Judiciary.

By Mr. Little, of Manchester, An act to prevent the defacing of private property and natural objects, by quack medicine notices and other advertisements.

By Mr. Rolfe, of Concord, An act in amendment of an act for the enlargement of the State Capitol.

The House renewed the consideration of the bill entitled An act to facilitate the raising of troops; the question being stated, Shall the bill be read a third time?

Mr. Bingham moved to amend section 9, lines 11 and 12, by striking out the words "which said sums are to be paid in currency and not in coin."

And the question being stated,

Shall the amendment be adopted?

It was decided in the negative by the following vote:

Those who voted in the affirmative were Messrs.

Rockingham County. York, Coleman of Newington, Odiorne, Wendell, Perkins of Rye.

Strafford County. Bartlett of Lee, Leighton, Joy, Tuttle, Foss.

Belknap County. Dow of Barnstead, Reynolds of Centre Harbor, Prescott of Sanbornton, Folsom of Upper Gilmanton.

Carroll County. Ayers, Eastman of Conway, Drew of Eaton, Bennett of Freedom, Hodge of Jackson, Warren, Standley, Blaisdell of Tuftonborough, Rogers of Wolfborough.

Merrimack County. Swett, Goodhue of Bow, Sawyer of Bradford, Clough, Lake, Hutchins, Davis of Concord, Doe, Putney, Bailey of Hopkinton, Eastman of Loudon, Cate, Reynolds of Pittsfield, Palmer, Calef, Watson, Colby of Warner, Andrews.

Hillsborough County. Smith of Brookline, Smith of Deering, Russell, Spaulding, McNeil, Coolidge, Baldwin, Little of Manchester, Bruce, Bailey of Nashua, Greenwood, Roby of Nashua, Davis of New Ipswich, Sherburne, Taggart, Emerson of Windsor.

Cheshire County. Chapin, Jones of Marlow, Weeks of Stoddard, Patten.

Sullivan County. McLaughlin, Parker of Lempster, Rowell, Philbrick, Knowlton, Lewis, Gage.

Grafton County. Whitcher, Sinclair, Batchelder of Bridgewater, Hodgman, Dean, Eaton, Pease of Ellsworth and Waterville, Whitney, Quint, Morse of Hebron, Bingham, Page of Thornton, Page of Warren.

Cos County. Young of Clarksville, Ruggles, Cole, Wright of Erroll, McIntire, Ingalls, Young of Stewartstown, Marshall of Stratford, Wheeler of Berlin.

Those who voted in the negative were Messrs.

Rockingham County. Preston, Gilchrist, Lane of Candia, Clifford, Moses, Robinson of Fremont, Weeks of Greenland, Tilton, Stackpole, Creighton, Willey, Batchelder of Nottingham, Walker, Haven, Hackett, Tucker, Weare, Paul.

Strafford County. Wyatt, Wheeler of Dover, Brewster, Parker of Farmington, Hall of Rochester, Shackford, Wakefield.

Belknap County. Bennett of Alton, Emerson of Alton, Kelley, Robie of Gilford, Burden, Stewart.

Carroll County. Blaisdell of Madison, Gould.

Merrimack County. Harris of Boscawen, Merriam, Farnum, Elwell, Paige of Concord, Rolfe, Thompson of Concord, Sargent, Burleigh of Franklin, Nickelson, Bunker, Whitehouse.

Hillsborough County. Campbell of Amherst, True, Hodge of Francetown, Kennedy, Greeley, Pike, Goodrich of Lyndeborough, Thayer, Clarke of Manchester, Johnson, Montgomery, Knowles, Whittle, Adams of Manchester, Parker of Merrimack, Sawyer of Milford, Wadleigh, Rockwood, Keyes, Story.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Abbott, Gates, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Stearns, Buckminster, Farrar, Humphrey of Winchester, Perkins of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Glidden, Brewer Briggs, Tracy, Humphrey of Croydon, Slader, Barton, Wilcox.

Grafton County. Hibbard, Taylor of Bristol, Bartlett of Canaan, Smith of Enfield, Dow of Hanover, Kimball, Cotton of Haverhill, Smith of Holderness, Downs, Ash, Hoskins, Thurston, Williams, Rogers of Piermont, Marston, Shute.

Coos County. Cone, Roberts, Washburn.

Yeas, 90 ; nays, 109.

Mr. Riddle, of Bedford, moved to amend the bill by inserting the words "or for," after the words "paid to," in the 11th line of section 4, and the 5th line of section 5, which motion did not prevail.

On motion of Mr. Riddle, the bill was then amended by inserting in section 9, line 1, the word "its" before the word "agent."

Mr. Riddle moved to amend the 4th line of section 9 by inserting the words "or for" before the words "drafted men," which amendment was rejected.

Mr. Coolidge moved to amend the bill by substituting in the 4th and 5th lines of section 6, the words "two hundred," "four hundred" and "six hundred," for the words "one hundred," "two hundred" and "three hundred."

And the question being stated,

Shall the motion prevail?

On this question the yeas and nays were demanded, were called, and were as follows:

Those who voted in the affirmative were Messrs.

Rockingham County. Meloan, Coleman of Newington, Batchelder of Nottingham, Odiorne, Cotton of Sandown.

Strafford County. Curtis, Bartlett of Lee, Tuttle, Foss.

Belknap County. Dow of Barnstead, Colbath, Reynolds of Centre Harbor, Dearborn, Prescott of Sanbornton, Folsom of Upper Gilmanton.

Carroll County. Ayers, Eastman of Conway, Bennett of Freedom, Hodge of Jackson, Blaisdell of Madison, Standley, Blaisdell of Tuftonborough.

Merrimack County. Pease of Allenstown, Goodhue of Bow, Sawyer of Bradford, Clough, Lake, Doe, Putney, Bailey of Hopkinton, Batchelder of Loudon, Cate, Reynolds, of Pittsfield, Palmer, Calef, Watson, Colby of Warner, Andrews.

Hillsborough County. Whittemore, Smith of Brookline, Smith of Deering, Russell, McNeil, Coolidge, Baldwin, Montgomery, Little of Manchester, Bailey of Nashua, Cahill, Fox, Sherburne, Taggart, Emerson of Windsor.

Cheshire County. Chapin, Jones of Marlow, Patten.

Sullivan County. McLaughlin, Parker of Lempster, Rowell, Knowlton, Lewis, Gage.

Grafton County. Hibbard, Sinclair, Batchelder of Bridgewater, Hodgman, Dean, Quint, Morse of Hebron, Bingham, Williams, Page of Thornton, Page of Warren.

Coos County. Ruggles, Wright of Erroll, McIntire, Ingalls, Washburn, Young of Stewartstown, Marshall of Stratford, Wheeler of Berlin.

Those who voted in the negative were Messrs.

Rockingham County. Dow of Atkinson, Preston, Gilchrist, Lane of Candia, Crawford, Dimond, Eastman of Derry, Giddings, Moses, Robinson of Fremont, Weeks of Greenland, Leavitt, York, Marshall of, Kingston, Platts, Dodge, Stackpole, Creighton, Willey, Walker, Haven, Moran, Hackett, Tucker, Wendell, Woodbury, Weare, Currier of South Hampton, Paul, Emerson of Windham.

Strafford County. Wyatt, Wheeler of Dover, Brewster, Parker of Farmington, Leighton, Hall of Rochester, Shackford, Wakefield.

Belknap County. Emerson of Alton, Kelley, Robie of Gilford, Burden, Stewart.

Merrimack County. Swett, Harris of Boscawen, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Sargent, Burleigh of Franklin, Nickelson, Bunker, Whitehouse.

Hillsborough County. Campbell of Amherst, True, Hodge of Francetown, Greer, Greeley, Pike, Goodrich of Lyndeborough, Thayer, Martin, Clarke of Manchester, Johnson, Gardner, Moore, Knowles, Whittle, Adams of Manchester, Parker of Merrimack, Sawyer of Milford, Wadleigh, Saunders, Sawyer of Nashua, Greenwood, Rockwood, Roby of Nashua, Davis of New Ipswich, Tubbs of Peterborough, Keyes, Story.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Lane of Keene, Gates, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Stearns, Weeks of Stoddard, Felt of Sullivan, Holbrook, Farrar, Bates, Humphrey of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Brewer, Briggs, Tracy, Humphrey of Croydon, Slader, Barton, Wilcox.

Grafton County. Bailey of Alexandria, Taylor of Bristol, Bartlett of Canaan, Follansbee, Smith of Enfield, Hubbard of Hanover, Dow of Hanover, Kimball, Cotton of Haverhill, Mason of Hill, Hoskins, Rogers, of Piermont, Marston, Shute.

Coos County. Cone, Roberts.

Yeas 82; nays 127.

So the amendment was rejected.

Mr. Parker, of Lisbon, moved to amend line 10, section 7, by inserting after the word "service" the words "in anticipation of or," which motion did not prevail.

Mr. Smith, of Deering, moved to amend by striking out all after the enacting clause, and inserting the following:

SECTION 1. The Governor may, with the advice of the Executive Council, appoint State agents, not exceeding in number, to recruit in the insurgent States, agreeably to the act of Congress passed in the year 1864, entitled An act further to regulate and provide for the enrolling and calling out the national forces, and for other purposes.

SEC. 2. Said State agents shall receive from the State treasury as pay for their services a sum fixed by the Governor and Council, not exceeding three dollars per day for the time actually employed, and full reimbursement for all expenses necessarily incurred by them in such service. The accounts of such agents shall be presented to and approved by the Governor and Council before payment.

SEC. 3. All persons so recruited by said State agents, and being mustered into service of the United States and credited to the quota of this State, shall be credited to the towns, cities and wards in the same proportion that the required quota of each town, city or ward bears to the required quota of the State.

SEC. 4. The Governor and Council may further, upon the application of any sub-district in this State, appoint any suit-

able citizen or citizens of said sub-district to recruit therefor in insurgent States; and the men enlisted by the agents for such sub-districts shall be accredited to the quota of those sub-districts and not divided *pro rata* among the different towns and cities of the State; *Provide!*, that such sub-districts shall defray the entire expenses of their agents at such rates as may be fixed by the Governor and Council, without any claim to reimbursement on the part of the State. *And provided further*, that such sub-districts shall advance the money to pay the bounties authorized by this act to be paid for recruits in insurgent States—all such sums actually expended as bounty by any sub-district in filling its quota to be refunded by the State upon due examination and approval of the sworn statement of the agent of the sub-district.

SEC. 5. The agents appointed by the Governor and Council to recruit for the State or for any sub-district in the State, within the insurgent States of our Union, are hereby authorized to pay on behalf of the State of New Hampshire for each recruit who may be accepted and mustered as a part of our quota, a sum not exceeding one hundred and fifty dollars for one year's service, three hundred dollars for two years' service, and five hundred dollars for three years' service. Said bounty to be paid to each recruit whenever the proper United States officer shall certify that such recruit has been duly mustered into the service of the United States.

SEC. 6. The Governor may, with the consent of the Executive Council, appoint State paymasters, who shall continue in office during the pleasure of the Governor and Council, and whose duty shall be to pay to each recruit secured by the agents authorized to recruit for the quota of the entire State the bounty authorized to be paid by the preceding section.

SEC. 7. The said paymasters shall, before entering upon the duties of their office, severally give bonds in an amount double the sum which is entrusted to their hands, with sufficient sureties, to be approved by the Governor and Council with condition for the faithful discharge of their duties and accountability for all money entrusted to their care; said bond to be filed in the office of the Secretary of State. Each paymaster shall also make returns under oath to the Governor and Council of all moneys disbursed by him as often as they shall require.

SEC. 8. The said paymasters shall receive one hundred dollars per month during the time actually employed, and their reasonable expenses, their accounts for the same being approved by the Governor and Council.

SEC. 9. The Governor may, with the consent of the Executive Council, offer a State bounty of one hundred dollars for one year's service, two hundred dollars for two years' service, and three hundred dollars for three years' service, to any person, not an enrolled man, who may be accepted and mustered into service within this State as a recruit, or as a substitute for a man drafted or liable to draft, or as a representative recruit, accredited to our quota, for any person not enrolled in this State, and the cities and towns in this State are hereby authorized to offer town bounties of equal amounts for equal terms of service to the same persons specified in this section.

SEC. 10. The Governor may, with the consent of the Executive Council, offer to any *bona fide* citizen of New Hampshire of suitable age for military service, who shall be accepted and mustered into service, either as a volunteer or drafted man, a State bounty not exceeding two hundred dollars for one year's service, three hundred and fifty dollars for two years' service, and five hundred dollars for three years' service. And the towns and cities of the State may, in the usual manner, authorize the payment of town bounties of equal amount to those State bounties provided by this section to any *bona fide* citizen of New Hampshire, who shall be held to personal service as a part of the quota for one, two or three years; *Provided*, that no enrolled man shall be entitled to these State or town bounties who shall enlist for any other town than that in which he is enrolled, unless the quota of said town is already full.

SEC. 11. Any agent authorized to enlist for this State, or any sub-district thereof in insurgent States, who shall enlist or recruit for any other State, sub-district or individual, or shall encourage others to do so, or who shall encourage any person or persons to enlist for any other State, sub-district or individual; or who shall engage in any business whatever, or shall have or secure any interest in any business not connected with the duties of his office, in any insurgent State, shall, on conviction thereof, be punished by fine not exceed-

ing five thousand dollars, or by imprisonment in the State Prison not exceeding three years, and shall forfeit all compensation for services or expenses accruing after the commission of the offence.

SEC. 12. Any town which shall by vote of its citizens, or by the act, direct or indirect, of any authorized agent, offer or pay, after the passage of this bill, to any recruit, substitute or drafted man, bounties in excess of the sums designated by this act, which said sums are to be paid in currency and not in coin, shall forfeit all claims for the payment of any State bounty then due or thereafter accruing to said town, or to any persons who have been accredited to its quota.

SEC. 13. The same bounties which are authorized to be paid by this act to persons enlisting in the military service of the United States, are hereby authorized to be paid to persons enlisting in the naval service of the United States, and accredited to the quota of New Hampshire.

SEC. 14. The Governor is hereby authorized to draw his warrant from time to time upon the treasury for all sums of money required to be paid by the provisions of this act.

SEC. 15. This act shall take effect upon its passage, and all acts and parts of acts inconsistent with its provisions are hereby repealed.

And the question being stated,

Shall the amendment be adopted?

On this question the yeas and nays were demanded, were called, and were as follows:

Those who voted in the affirmative were Messrs.

Rockingham County. York, Meloon, Coleman of Newington, Batchelder of Nottingham, Odiorne, Wendell, Prescott of Raymond, Perkins of Rye, Cotton of Sandown, Bartlett of Lee.

Strafford County. Joy, Tuttle, Foss.

Belknap County. Dow of Barnstead, Colbath, Reynolds of Centre Harbor, Dearborn, Prescott of Sanbornton, Folsom of Upper Gilmanton.

Carroll County. Eastman of Conway, Drew of Eaton, Bennett of Freedom, Hodge of Jackson, Warren, Roles, Blaisdell of Tuftonborough, Rogers of Wolfborough.

Merrimack County. Pease of Allentown, Swett, Goodhue of Bow, Sawyer of Bradford, Clough, Lake, Hutchins, Doe, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Dana, Cate, Reynolds of Pittsfield, Palmer, Calef, Watson, Colby of Warner, Andrews.

Hillsborough County. Whittemore, Smith of Brookline, Smith of Deering, Russell, Spaulding, Baldwin, Montgomery, Little of Manchester, Connor, Bruce, Bailey of Nashua, Roby of Nashua, Sherburne, Taggart, Emerson of Windsor.

Cheshire County. Chapin, Jones of Marlow, Weeks of Stoddard, Pat-ten.

Sullivan County. McLaughlin, Rowell, Knowlton.

Grafton County. Whitcher, Sinclair, Batchelder of Bridgewater, Taylor of Bristol, Hodgman, Dean, Eaton, Whitney, Quint, Morse of Hebron, Bingham, Page of Thornton, Page of Warren.

Coos County. Young of Clarksville, Ruggles, Cole, Wright of Erroll, McIntire, Ingalls, Washburn, Young of Stewartstown, Marshall of Stratford, Wheeler of Berlin.

Those who voted in the negative were Messrs.

Rockingham County. Preston, Gilchrist, Lane of Candia, Crawford, Diamond, Sawyer of Deerfield, Adams of Derry, Giddings, Moses, Robinson of Fremont, Weeks of Greenland, Leavitt, Tilton, Marshall of Kingston, Platts, Dodge, Stackpole, Creighton, Willey, Walker, Haven, Hackett, Tucker, Woodbury, Weare, Currier of South Hampton, Paul, Emerson of Windham.

Strafford County. Wyatt, Wheeler of Dover, Brewster, Parker of Farmington, Curtis, Hall of Rochester, Shackford, Wakefield.

Belknap County. Bennett of Alton, Kelley, Robie of Gilford, Burden, Stewart.

Carroll County. Blaisdell of Madison, Gould, Standley.

Merrimack County. Harris of Boscawen, Merriam, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Sargent, Burleigh of Franklin, Nickelson, Whitehouse, Little of Webster.

Hillsborough County. Campbell of Amherst, True, Riddle, Hodge of Fran-cestown, Greer, Kennedy, Greeley, Pike, Goodrich of Lyndeborough, Thayer, Martin, Clarke of Manchester, Johnson, Gardner, Moore, Knowles, Mitchell, Whittle, Adams of Manchester, Parker of Merrimack, Sawyer of Milford, Wadleigh, Sawyer of Nashua, Greenwood, Rockwood, Davis of New Ips-wich, Tubbs of Peterborough, Keyes.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Abbott, Lane of Keene, Gates, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Stearns, Buckminster, Felt of Sullivan, Holbrook, Farrar, Bates, Humphrey of Winchester, Perkins of Winchester.

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Sullivan County. Prentiss, Hubbard of Charlestown, Brewer, Briggs, Tracy, Humphrey of Croydon, Fowler, Slader, Parker of Lempster, Barton, Wilcox.

Grafton County. Hibbard, Bartlett of Canaan, Follansbee, Smith of Enfield, Hubbard of Hanover, Dow of Hanover, Kimball, Cotton of Haverhill, Downs, Ash, Thurston, Williams, Underhill, Rogers of Piermont, Marston, Shute.

Coos County. Cone, Roberts.

Yeas, 95; nays, 136.

So the amendment was rejected.

On motion of Mr. Adams, of Manchester,

Resolved, That Col. Walter Harriman be invited to address the members of the Legislature in the Representatives' Hall, this Tuesday evening at 8 o'clock.

On motion of Mr. McLaughlin,

The House adjourned.

AFTERNOON.

The following bills and joint resolutions were severally read a third time, passed, and sent to the Senate for concurrence:

Resolution relating to printing Adjutant General's Report for 1865;

Resolution in favor of James B. Gove;

An act in relation to the Carroll County Bank;

An act authorizing cities and towns to fund their debts;

An act in amendment of Chapter 964 of the Pamphlet Laws, relating to the public printing;

An act to incorporate the president, directors and company of the Kearsarge Bank.

The bill entitled An act in relation to the taxation of deposits in savings banks was read a third time, and on motion of Mr. Walker, of Portsmouth, was put back on its second reading for amendment.

On motion of Mr. Walker, the bill was laid upon the table.

On motion of Mr. Page, of Warren, the joint resolution requesting permission of the War Department to recruit two new regiments in this State, was taken from the table, and the rules being suspended, the resolution was read a second and third times, passed, and sent to the Senate for concurrence.

The following message was received from His Excellency, the Governor, by the hands of the Secretary of State:

COUNCIL CHAMBER,
Concord, August 16, 1864. }

To the Honorable Senate and House of Representatives :

GENTLEMEN :—I wish to again call your attention to the recommendations in my messages of June, 1863-64, urging the calling of a Constitutional Convention and so amending the Constitution of New Hampshire that our noble soldiers in the field may have the legal and constitutional right to vote and enjoy the same privileges that they would if at home.

I also wish to urge upon you the importance of said convention for the purpose of reducing the excessive number of our House of Representatives. I believe these are subjects of vital importance to the welfare of our noble soldiers and for the best interests of our State; I hope you will give them that consideration which they demand.

JOSEPH A. GILMORE.

On motion of Mr. Cahill, of Nashua, the message was referred to a select committee of ten.

Agreeably to previous notice, Mr. Little, of Manchester, introduced a bill entitled An act regulating the rates of tolls and fares on railroads, which bill was read a first and second time and referred to the Committee on Railroads.

The House proceeded to the consideration of the bill entitled An act to facilitate the raising of troops, the bill being still upon its second reading.

Mr. Little, of Manchester, moved to amend by striking out all after the enacting clause and substituting the following.

SECTION 1. The Governor is hereby required to issue his proclamation calling upon all members of the Loyal League to enlist at once to fill up the quota of the State and he is hereby prohibited from paying any bounties whatever to such members, relying upon their unbounded patriotism as an incentive to go.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

Which amendment was rejected.

Mr. Coolidge, of Hillsborough, moved to amend the 13th line of section 6, and 28th line of section 7, by striking out the word "two" and inserting the word "four."

On the adoption of the foregoing amendment, the yeas and nays were demanded, which being called, were as follows:

Those who voted in the affirmative were Messrs.

Rockingham County. Dow of Atkinson, Lane of Candia, York, Coleman of Newington, Hurd, Odiorne, Wendell, Prescott of Raymond, Perkins of Rye, Austin of Salem, Cotton of Sandown.

Strafford County. Leighton, Joy, Tuttle, Foss.

Belknap County. Dow of Barnstead, Reynolds of Centre Harbor, Dearborn, Prescott of Sanbornton, Folsom of Upper Gilmanton.

Carroll County. Ayers, Eastman of Conway, Drew of Eaton, Bennett of Freedom, Hodge of Jackson, Warren, Roles, Blaisdell of Tuftonborough, Smith of Wakefield, Rogers of Wolfborough.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Clough, Lake, Hutchins, Doe, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Dana, Cate, Reynolds of Pittsfield, Palmer, Calef, Watson, Colby of Warner, Andrews.

Hillsborough County. Whittemore, Smith of Deering, Russell, Spaulding, McNeil, Coolidge, Baldwin, Little of Manchester, Bruce, Bailey of Nashua, Cahill, Rockwood, Fox, Sherburne, Taggart, Gove, Emerson of Windsor.

Cheshire County. Chapin, Jones of Marlow, Weeks of Stoddard, Lombard, Starkey.

Sullivan County. McLaughlin, Parker of Lempster, Rowell, Knowlton, Lewis, Gage.

Grafton County. Whitcher, Sinclair, Batchelder of Bridgewater, Hodgman, Dean, Eaton, Pease of Ellsworth and Waterville, Whitney, Quint, Morse of Hebron, Bingham, Thurston, Williams, Page of Thornton, Page of Warren.

Coos County. Young of Clarksville, Ruggles, Cole, Wright of Erroll, McIntire, Ingalls, Young of Stewartstown, Marshall of Stratford.

Those who voted in the negative were Messrs.

Rockingham County. Preston, Gilchrist, Crawford, Dimond, Sawyer of Deerfield, Adams of Derry, Eastman of Derry, Clifford, Giddings, Moses, Robinson of Fremont, Weeks of Greenland, Leavitt, Tilton, Marshall of Kingston, Platts, Dodge, Stackpole, Creighton, Batchelder of Newton, Willey, Batchelder of Nottingham, Moran, Hackett, Tucker, Woodbury, Weare, Currier of South Hampton, Paul, Emerson of Windham.

Strafford County. Wyatt, Wheeler of Dover, Brewster, Parker of Farmington, Curtis, Hall of Rochester, Shackford, Burleigh of Somersworth, Wakefield.

Belknap County. Bennett of Alton, Emerson of Alton, Kelley, Robie of Gilford, Stewart.

Carroll County. Blaisdell of Madison, Standley.

Merrimack County. Harris of Boscawen, Merriam, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Sargent, Burleigh of Franklin, Nickelson, Bunker, Whitehouse, Little of Webster.

Hillsborough County. True, Smith of Brookline, Hodge of Francestown, Greer, Kennedy, Greeley, Pike, Goodrich of Lyndeborough, Thayer, Martin, Clarke of Manchester, Johnson, Gardner, Montgomery, Moore, Knowles, Mitchell, Whittle, Parker of Merrimack, Sawyer of Milford, Wadleigh, Scripture, Saunders, Sawyer of Nashua, Greenwood, Robie of Nashua, Davis of New Ipswich, Tubbs of Peterborough, Keyes, Story.

Cheshire County. Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Abbott Lane of Keene, Gates, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Buckminster, Felt of Sullivan, Holbrook, Farrar, Humphrey of Winchester, Perkins of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Brewer, Briggs Humphrey of Croydon, Slader, Barton, Wilcox.

Grafton County. Hibbard, Taylor of Bristol, Bartlett of Canaan, Follansbee, Smith of Enfield, Hubbard of Hanover, Dow of Hanover, Mason of Hill, Downs, Ash, Hoskins, Underhill, Rogers of Piermont, Marston, Shute.

Coos County. Cone, Washburn.

Yeas 101, nays 132.

So the amendment was rejected.

On motion of Mr. Bailey, of Na-hua, the bill was amended in the 31st and 32d lines, by striking out the word "enrolled" and inserting instead thereof the words, "person who may for three months preceding have been an."

Mr. Roles, of Ossipee, moved to amend by striking out section 10, which motion did not prevail.

Mr. Coolidge, of Hillsborough, moved to amend by striking out the 9th section, of the bill, and on the question of adoption of the amendment, demanded the yeas and nays, which were called and were as follows:

Those who voted in the affirmative were Messrs.

Rockingham County. York, Hurd, Odiorne, Prescott of Raymond, Cotton of Sandown.

Strafford County. Joy, Tuttle.

Belknap County. Dow of Barnstead, Colbath, Reynolds of Centre Harbor, Dearborn, Prescott of Sanbornton, Folsom of Upper Gilmanton.

Carroll County. Ayers, Pitman, Bennett of Freedom, Hodge of Jackson Warren, Blaisdell of Tuftonborough, Smith of Wakefield, Rogers of Wolfborough.

Merrimack County. Pease of Allenstown, Swett, Sawyer of Bradford, Clough, Lake, Davis of Concord, Thompson of Concord, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Calef, Watson, Colby of Warner, Andrews.

Hillsborough County. True, Whittemore, Smith of Brookline, Smith of Deering, Hodge of Francestown, Russell, Spaulding, McNeil, Coolidge, Baldwin, Montgomery, Little of Manchester, Bailey of Nashua, Roby of Nashua, Fox, Sherburne, Taggart, Gove, Emerson of Windsor.

Cheshire County. Chapin, Jones of Marlow, Weeks of Stoddard, Lombard.

Sullivan County. McLaughlin, Parker of Lemipster, Rowell, Philbrick, Knowlton, Lewis, Gage.

Grafton County. Whitcher, Sinclair, Batchelder of Bridgewater, Hodgman, Dean, Pease of Ellsworth and Waterville, Whitney, Quint, Morse of Hebron, Hughes, Knight, Bingham, Williams, Page of Thornton, Page of Warren.

Coos County. Young of Clarksville, Ruggles, Cole, Wright of Erroll, Tubbs of Gorham, McIntire, Ingalls, Young of Stewartstown, Marshall of Stratford, Aldrich, Wheeler of Berlin.

Those who voted in the negative were Messrs.

Rockingham County. Dow of Atkinson, Preston, Gilchrist, Lane of Candia, Crawford, Dimond, Sawyer of Deerfield, Adams of Derry, Eastman of Derry, Clifford, Moses, Robinson of Fremont, Weeks of Greenland, Leavitt, Tilton, Marshall of Kingston, Platts, Dodge, Meloan, Stackpole, Creighton, Willey, Batchelder of Nottingham, Walker, Haven, Moran, Hackett, Tucker, Woodbury, Weare, Currier of South Hampton, Paul, Emerson of Windham.

Stafford County. Wyatt, Wheeler of Dover, Brewster, Parker of Farmington, Curtis, Leighton, Hall of Rochester, Shackford, Burleigh of Somersworth, Wakefield.

Bellnap County. Bennett of Alton, Emerson of Alton, Kelley, Weeks of Gilford, Robie of Gilford, Wiggin, Stewart.

Carroll County. Blaisdell of Madison, Hubbard of Tamworth.

Merrimack County. Harris of Boscawen, Merriam, Hutchins, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Sargent, Burleigh of Franklin, Nickelson, Bunker, Whitehouse.

Hillsborough County. Campbell of Amherst, Greer, Kennedy, Greeley, Pike, Martin, Clarke of Manchester, Johnson, Gardner, Moore, Knowles, Mitchell, Whittle, Parker of Merrimack, Sawyer of Milford, Wadleigh, Scripture, Saunders, Sawyer of Nashua, Greenwood, Rockwood, Davis of New Ipswich, Tubbs of Peterborough, Keyes, Story.

Cheshire County. Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Abbott, Lane of Keene, Gates, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Buckminster, Felt of Sullivan, Holbrook, Clark of Walpole, Bates, Humphrey of Winchester, Perkins of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Glidden, Brewer, Briggs, Tracy, Humphrey of Croydon, Slader, Barton, Wilcox.

Grafton County. Hibbard, Taylor of Bristol, Bartlett of Canaan, Follansbee, Smith of Enfield, Hubbard of Hanover, Dow of Hanover, Kimball, Cotton of Haverhill, Mason of Hill, Downs, Parker of Lisbon, Ash, Hoskins, Thurston, Underhill, Rogers of Piermont, Marston, Shute, Quincy.

Coos County. Cone, Washburn.

Yeas 92, nays 139.

So the amendment was rejected.

Mr. Roles, of Ossipee, moved to further amend the bill as follows:

Amend Section 10, as follows:

In line 10th, strike out the word "for" and insert the word "to;" in line 11th, strike out the words "city, ward, town,

place, or;" in line 13th, strike out the words "actually paid for such men," and insert instead thereof the words "three hundred dollars," which amendments were severally rejected.

Mr. Williams, of Monroe, moved to amend in lines 4, 5 and 6 of section 6, by striking out the words "one hundred," "two hundred" and "three hundred," and inserting instead thereof the words "two hundred," "three hundred" and "five hundred," which amendment was rejected.

The question being stated,

Shall the bill be read a third time?

Mr. Page, of Warren, moved that the bill be postponed and made the special order at 8 o'clock this evening.

Mr. Whitcher, of Benton, moved that the House adjourn, and on this question demanded the yeas and nays, which were called, and were as follows:

Those who voted in the affirmative were Messrs.

Rockingham County. Lane of Candia, Crawford, Adams of Derry, Eastman of Derry, Tilton, York, Coleman of Newington, Creighton, Batchelder of Nottingham, Odiorne, Prescott of Raymond, Perkins of Rye, Cotton of Sandown.

Strafford County. Joy, Tuttle, Foss.

Belknap County. Bennett of Alton, Dow of Barnstead, Colbath, Reynolds of Centre Harbor, Weeks of Gilford, Robie of Gilford, Dearborn, Prescott of Sanbornton.

Carroll County. Pitman, Eastman of Conway, Drew of Eaton, Bennett Hodge of Jackson, Warren, Standley Blaisdell of Tuftonborough, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Clough, Lake, Hutchins, Doe, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Dana, Bunker, Cate, Whitehouse, Reynolds of Pittsfield, Palmer, Calef, Watson, Colby of Warner.

Hillsborough County. Riddle, Whittemore, Smith of Brookline, Smith of Deering, Russell, Spaulding, McNeil, Greeley, Little of Manchester, Parker of Merrimack, Bruce, Bailey of Nashua, Roby of Nashua, Fox, Sherburne, Emerson of Windsor.

Cheshire County. Chapin, Jones of Marlow, Goodhue of Nelson, Weeks of Stoddard, Felt of Sullivan, Lombard.

Sullivan County. Briggs, McLaughlin, Parker of Lempster, Rowell, Philbrick, Knowlton, Lewis, Gage.

Grafton County. Hibbard, Witcher, Sinclair, Taylor, of Bristol, Dean, Pease of Ellsworth and Waterville, Whitney, Quint, Morse of Hebron, Mason of Hill, Smith of Holderness, Hughes, Knight, Bingham, Thurston, Quincy, Page of Thornton, Page of Warren.

Coo's County. Ruggles, Cole, Wright of Erroll, Ingalls, Young of Stewartstown, Marshall of Stratford, Aldrich.

Those who voted in the negative were Messrs.

Rockingham County. Dow of Atkinson, Preston, Gilchrist, Dimond, Clifford, Robinson of Fremont, Weeks of Greenland, Marshall of Kingston, Platts, Dodge, Meloon, Stackpole, Walker, Haven, Moran, Hackett, Tucker, Woodbury, Weare.

Strafford County. Wheeler of Dover, Brewster, Parker, of Farmington Curtis, Hall of Rochester, Shackford, Wakefield.

Belknap County. Emerson of Alton, Kelley, Stewart.

Carroll County. Blaisdell of Madison, Gould, Hubbard of Tamworth, Smith of Wakefield.

Merrinack County. Harris of Boscawen, Merriam, Farnum, Elwell, Paige of Concord, Webster, Thompson of Concord, Burleigh of Franklin, Nickelson, Little of Webster, Andrews.

Hillsborough County. Campbell of Amherst, True, Hodge of Francetown, Greer, Pike, Goodrich of Lyndeborough, Thayer, Clarke of Manchester, Johnson, Gardner, Montgomery, Moore, Knowles, Mitchell, Whittle, Sawyer of Milford, Wadleigh, Scripture, Saunders, Sawyer of Nashua, Cahill, Greenwood, Rockwood, Davis of New Ipswich, Tubbs of Peterborough, Taggart, Keyes, Story, Gove.

Cheshire County. Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Lane of Keene, Gates, Barker, Willard, Mason of Marlborough, Holbrook, Farrar, Bates.

Sullivan County. Prentiss, Hubbard of Charlestown, Glidden, Brewer, Tracy, Humphrey of Croydon, Slader, Barton, Wilcox.

Grafton County. Bartlett of Canaan, Smith of Enfield, Hubbard of Hanover, Dow of Hanover, Kimball, Cotton of Haverhill, Downs, Parker of Lisbon, Ash, Hoskins, Underhill, Rogers of Piermont, Marston, Shute.

Coo's County. Cone, Tubbs of Gorham, Washburn, Wheeler of Berlin.

Yeas 109, nays 112.

So the House refused to adjourn.

Mr. Wheeler, of Dover, demanded the previous question and the question being stated,

Shall the main question be now put?

Upon appeal, the Speaker decided, that should the question before the House be decided in the affirmative, the main question would be, Shall the bill be read a third time?

From this decision, Mr. Bingham, of Littleton, appealed.

And the question being stated,

Shall the decision of the Speaker be the decision of the House?

On this question the yeas and nays were demanded, were called, and were as follows:

Those who voted in the affirmative were Messrs.

Rockingham County. Dow of Atkinson, Preston, Gilchrist, Lane of Candia, Crawford, Dimond, Adams of Derry, Eastman of Derry, Clifford, Giddings, Moses, Robinson of Fremont, Weeks of Greenland, Leavitt, Tilton, Marshall of Kingston, Platts, Dodge, Meloon, Stackpole, Creighton, Willey, Batchelder of Nottingham, Hurd, Walker, Haven, Moran, Hackett, Tucker, Woodbury, Weare, Currier of South Hampton, Paul, Emerson of Windham.

Strafford County. Wyatt, Wheeler of Dover, Brewster, Parker of Farmington, Curtis, Hall of Rochester, Shackford, Burleigh of Somersworth, Wakefield.

Belknap County. Bennett of Alton, Emerson of Alton. Kelley, Weeks of Gilford, Robie of Gilford, Wiggin, Stewart.

Carroll County. Eastman of Conway, Blaisdell of Madison, Hubbard of Tamworth, Standley.

Merrimack County. Harris of Boscawen, Goodhue of Bow, Lake, Merriam, Hutchins, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Thompson of Concord Sargent, Nickelson, Putney, Eastman of Loudon, Dana, Bunker, Whitehouse, Palmer, Little of Webster.

Hillsborough County. Campbell of Amherst, True, Riddle, Smith of Brookline, Hodge of Francestown, Greer, Kennedy, McNeil, Baldwin, Greeley, Pike, Goodrich of Lyndeborough, Thayer, Clarke of Manchester, Johnson, Gardner, Moore, Knowles, Mitchell, Whittle, Parker of Merrimack, Sawyer of Milford, Wadleigh, Scripture, Saunders, Sawyer of Nashua, Cahill, Greenwood, Rockwood, Davis of New Ipswich, Tubbs of Peterborough, Keyes, Story, Gove, Emerson of Windsor.

Cheshire County. Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Abbott, Lane of Keene, Gates, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Felt of Sullivan, Farrar, Bates, Perkins of Winchester.

Sullivan County. Prentiss, Brewer, Briggs, Tracy, McLaughlin, Humphrey of Croydon, Fowler, Slader, Barton, Wilcox, Philbrick.

Grafton County. Hibbard, Taylor of Bristol, Bartlett of Canaan, Smith of Enfield, Hubbard of Hanover, Dow of Hanover, Kimball, Cotton of Haverhill, Mason of Hill, Smith of Holderness, Hughes, Knight, Downs, Parker of Lisbon, Ash, Thurston, Williams, Underhill, Rogers of Piermont, Marston, Shute.

Coos County. Young of Clarksville, Cone, Ruggles, Tubbs of Gorham, McIntire, Ingalls, Washburn, Young of Stewartstown.

Those who voted in the negative were Messrs.

Rockingham County. Coleman of Newington, Wendell, Perkins of Rye

Strafford County. Leighton, Joy, Tuttle.

Belknap County. Colbath, Dearborn, Prescott of Sanbornton.

Carroll County. Ayers, Pitman, Drew of Eaton, Bennett of Freedom, Hodge of Jackson, Warren, Rogers of Wolfborough.

Merrimack County. Pease of Allenstown, Swett, Cate, Calef.

Hillsborough County. Whittemore, Smith of Deering, Little of Manchester, Bailey of Nashua, Fox.

Cheshire County. Holbrook, Lombard.

Sullivan County. Knowlton.

Grafton County. Witcher, Sinclair, Bingham, Page of Warren.

Coos County. Marshall of Stratford.

Yeas 164; nays 34.

So the decision of the Speaker was sustained.

Mr. Little, gave notice that to-morrow or on some subsequent day he would ask leave to introduce a bill entitled An act repealing the charter of the Concord and Portsmouth Railroad.

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The Speaker announced the following as the select committee on the message of His Excellency, the Governor, in relation to a constitutional convention.

Messrs. Cahill, of Nashua, Barton, of Newport, Sawyer, of Nashua, Bingham, of Littleton, Sinclair, of Bethlehem, Clarke, of Manchester, Burleigh, of Somersworth, Wheeler, of Dover, Leavitt, of Hampton, and Hackett, of Portsmouth.

On motion of Mr. Little of Manchester,

The House adjourned.

WEDNESDAY, August 17, 1864.

On motion of Mr. Briggs, of Claremont, the rules were suspended and the reading of the journal of yesterday was omitted.

The following message was received from the Senate by their Clerk :

Mr. Speaker—

The Senate concur with the House of Representatives in the passage of the bill entitled An act to enable the qualified voters of this State engaged in the military service of the country to vote for electors of President and Vice President of the United States and for Representatives in Congress.

PETITIONS, &C., PRESENTED AND REFERRED.

To the Committee on Raising of Troops:

By Mr. Dodge, of Londonderry, the petition of Samuel Gilchrist and others, praying that towns may be limited in the payment of bounties to volunteers.

To the Committee on Printers' Accounts:

By Mr. Lane, of Keene, the account of Thomas Hale & Co.

To the Committee on Finance:

By Mr. Folsom, of Upper Gilmanton, the petition of Charles A. Hackett and others;

By Mr. Perkins, of Rye, the petition of Samuel M. Rand, and of Elvira Locke and others;

By Mr. Little, of Manchester, the petition of David Stark and others; of H. G. Connor and others; of J. Q. A. Sargent and others; of Wm A. Putney and others; of John Cayzer and others; of Lewis W. Clark and others;

By Mr. Bruce, of Mount Vernon, the petition of Alonzo Davis and others;

By Mr. Smith, of Wakefield, the petition of Amasa Copp and others;

By Mr. Hodgman, of Campton, the petition of Edson P. Hart and others; and of Horace P. Emerson and others;

By Mr. Dow, of Atkinson, the petition of Seth Shackford and others;

By Mr. Whitcher, of Benton, the petition of Samuel C. Emery and others; and of Caleb Wells and others;

By Mr. Dearborn, of Sanbornton, the petition of Bradbury F. Brown and others; of Joseph L. Conner and others; of James W. Bailey and others; and of A. W. Brown and others;

By Mr. Washburne, of Pittsburg, the petition of K. Dickerson and others;

By Mr. Gage, of Washington, the petition of Joseph Lewis and others; and of S. E. Jones and others;

By Mr. Connor of Manchester, the petition of Thomas Carley and others; and of Albert Jackson and others;

By Mr. Bailey, of Nashua, the petition of Hiram T. Morrill and others;

By Mr. McLaughlin, of Goshen, the petition of Virgil Chase and others; and of Daniel Wyman and others;

By Mr. Cate, of Northfield, the memorial of the town of Pittsfield; and the petition of Joseph Ayers and others;

By Mr. Quincy, of Rumney, the petition of W. A. Burns and others; of Daniel S. Ward and others; and of J. R. Swain and others;

By Mr. Coolidge, of Hillsborough; the petition of Hiram Brockway and others; and of Edgar Hazen and others;

By Mr. Sinclair, of Bethlehem, the petition of Israel Young and others; and of Willis Wilder and others;

By Mr. Taylor, of Bristol, the petition of O. F. Morse and others; and of D. B. Clement and others;

By Mr. Page, of Warren, the petition of Levi Barton and others;

By Mr. Pease, of Allenstown, the petition J. C. Philbrick and others;

By Mr. Doe, of Epsom, the petition of William Lane and others;

By Mr. Hibbard, of Bath, the petition of E. S. Kimball and others;

By Mr. Spalding, of Hancock, the petition of Joseph Dow and others;

By Mr. Coleman, of Newington, the petition of N. P. Coleman and others;

By Mr. Tubbs, of Gorham, the petition of N. Tuttle and others; of H. T. Cummings and others; of B. H. Plaisted and others; and of Charles Height and others;

By Mr. Page, of Thornton, the petition of John Horner and others; and the petition of William A. Smith and others;

By Mr. Pease, of Ellsworth, the petition of John Buzzell and others;

By Mr. Eastman, of Conway, the petition F. R. Chase and others;

By Mr. Thompson, of Conway, the petition of G. W. Barker and others;

By Mr. Pitman, of Bartlett, the petition of J. M. Pitman and others; and of George Pitman and others;

By Mr. Knowlton, of Sunapee, the petition of Bradford Currier and others;

Severally praying for the assumption by the State of the indebtedness of the several towns, growing out of the present war.

Mr. Merriam, of Concord, from the Committee on Claims, to whom was referred the account of Stevens & Duncklee, reported the following resolution, which was read a first time and ordered to a second reading:

Resolved by the Senate and House of Representatives in General Court convened, That the sum of one hundred and twenty-four dollars and eighty-seven cents (\$124.87,) be allowed Stevens & Duncklee, that the same be paid out of any money in the Treasury not otherwise appropriated and the Governor is hereby authorized to draw his warrant therefor.

Mr. Glidden, of Charlestown, from the Committee on Agriculture, to whom was referred the bill entitled An act to prevent the destruction of bass in Great Bay and its tributaries, reported the following resolution which was adopted:

Resolved, That the bill be indefinitely postponed.

Mr. Emerson, from the joint Committee on Engrossed Bills, reported that they had examined the following bills, and found them correctly engrossed, viz:

An act authorizing the Governor to borrow money on the credit of the State;

An act to enable the qualified voters of this State engaged in the military service of the country to vote for Electors of President and Vice President of the United States and for Representatives in Congress;

An act authorizing the Governor to raise two new regiments of troops.

On motion of Mr. Wyatt, of Dover,

Resolved, That when the House adjourns it adjourn to meet at two o'clock this afternoon, and that when it adjourns this afternoon it adjourn to meet at eight o'clock this evening, and that when it adjourns this evening it adjourn to meet at nine o'clock to-morrow morning, and that these be the hours of meeting of the House, until the military and finance bills are disposed of.

Mr. Glidden, of Charlestown, introduced the following resolution which was read a first and second time and referred to the Committee on Military Affairs:

Resolved by the Senate and House of Representatives in General Court convened, That Walter F. Colburn, of Company I, 14th Regiment, be allowed one hundred dollars State bounty for enlisting into the service of the United States for three years, having never received any State bounty.

Mr. Bailey, of Nashua, introduced the following joint resolution which was read a first and second time and referred to the Committee on Military Affairs:

Resolved by the Senate and House of Representatives in General Court convened, That the Adjutant General be authorized to furnish all necessary colors to all New Hampshire Regiments in the service of the United States, and that the same be paid for out of any money in the Treasury not otherwise appropriated and that the Governor be authorized to draw his warrant upon the Treasurer therefor.

Mr. Quincy, of Rumney, introduced the following resolution, which was read a first and second time and referred to the Committee on Military Affairs:

WHEREAS, The term of service of the 3d New Hampshire Regiment of Volunteers expires on the 24th day of August inst.; the 4th New Hampshire Regiment of Volunteers on the 18th day of September next; the 5th Regiment of New Hampshire Volunteers on the 26th day of October next; and the 1st New Hampshire Battery on the 26th day of September next, therefore,

Resolved by the Senate and House of Representatives in General Court convened, That the Governor and Council are hereby authorized to appropriate such sums of money as may be necessary to give a suitable reception to said regiments and battery on their return, and that the Governor be authorized to draw his warrant upon the treasury therefor.

Mr. Willard, of Keene, introduced the following joint resolution which was read a first and second time and referred to the Committee on Military Affairs:

Resolved by the Senate and House of Representatives in General Court convened, That there be appointed a committee of five, two from the Senate and three from the House, to revise the Militia Laws of the State, and report a bill at the next session of the Legislature in June, 1865, creating an active militia.

On motion of Mr. Walker, of Portsmouth, the bill entitled An act in relation to the taxation of deposits in savings banks, was taken from the table, and amended by striking out all after the enacting clause and inserting the following:

SECTION 1. It shall be the duty of the treasurers of all savings banks in this State annually, on or before the first day of May, to make out and return to the Secretary of State a statement under oath of the whole amount of deposits and accumulations due from such savings banks to each depositor, on the first day of April next preceding, together with the name and residence of each depositor residing in this State; and said treasurer shall on or before the first day of July next succeeding, pay to the treasurer of the State three-fourths of one per cent. on the amount of such deposits and accumu-

lations on the said first day of April next preceeding, which said tax of three-fourths of one per cent. shall be in full for all taxes imposed upon the deposits and accumulations in said banks, or on the depositors therein, on account of such deposits or accumulations; and the State treasurer shall pay to the several towns in this State, on or before the first day of October annually, their proportion of the aforesaid tax, according to the amount of the deposits and accumulations held in said savings banks by the residents of said towns, and the tax on non-resident depositors, and such depositors whose residence is unknown, shall remain in the State treasury for the benefit of the State.

SEC. 2. All laws now in force requiring the treasurers of savings banks to make returns to the assessors of the several towns in this State of the amount due depositors, and all acts and parts of acts inconsistent with this act be, and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

The bill was then ordered to a third reading.

The House resumed the consideration of the bill entitled
An act to facilitate the raising of troops.

The motion for the previous question was withdrawn.

The question recurring,

Shall the bill be read a third time?

On this question the yeas and nays were demanded, were called, and were as follows:

Those who voted in the affirmative were Messrs.

Rockingham County. Preston, Ladd, Gilchrist, Lane of Candia, Crawford, Dimond, Brown of Deerfield, Adams of Derry, Eastman of Derry, Moses, Robinson of Fremont, Weeks of Greenland, Moulton, Leavitt, Tilton, York, Marshall of Kingston, Patts, Dodge, Meloon, Stackpole, Creighton, Willey, Walker, Moran, Hill of Portsmouth, Hackett, Wendell, Yeaton, Woodbury, Weare, Currier of South Hampton, Paul, French, Emerson of Windham.

Strafford County. Young of Barrington, Drew of Barrington, Wyatt, Morrill, Wheeler of Dover, Brewster, Nute, Parker of Farmington, Curtis, Jones of Milton, Hall of Rochester, Horne, Hayes, Wakefield.

Belknap County. Bennett of Alton, Emerson of Alton, Kelley, Brown of Gilmanston, Weeks of Gilford, Robie of Gilford, Wiggin, Burden, Stewart.

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Carroll County. Blaisdell of Madison, Gould of Sandwich, Standley.

Merrimack County. Harris of Boscawen, Merriam, Hutchins, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Sargent, Doe, Aiken, Burleigh of Franklin, Nickelson, Dana, Bunker, Whitehouse, Calef, Little of Webster.

Hillsborough County. Campbell of Amherst, True, Hodge of Francestown, Greer, Kennedy, Greeley, Pike, Goodrich of Lyndeborough, Pearson, Thayer, Hill of Manchester, Martin, Clarke of Manchester, Johnson, Moore, Knowles, Mitchell, Whittle, Adams of Manchester, Parker of Merrimack, Sawyer of Milford, Wadleigh, Sawyer of Nashua, Wellman of Nashua, Greenwood, Rockwood, Davis of New Ipswich, Tubbs of Peterborough, Keyes, Story, Gove.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Abbott, Lane of Keene, Gates, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Farrar, Humphrey of Winchester, Perkins of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Colby of Claremont, Brewer, Briggs, Tracy, Wellman of Cornish, Humphrey of Croydon, Fowler, Slader, Barton.

Grafton County. Bailey of Alexandria, Hibbard, Bartlett of Canaan, Follansbee, Smith of Enfield, Blood of Groton, Hubbard of Hanover, Dow of Hanover, Kimball, Cotton of Haverhill, Mason of Hill, Downs, Parker of Lisbon, Ash, Hoskins, Thurston, Underhill, Rogers, of Piermont, Marston, Shute, Quincy.

Coos County. Cone, Ruggles, McIntire.

Those who voted in the negative were Messrs.

Rockingham County. Coleman of Newington, Batchelder of Newton, Batchelder of Nottingham, Odiorne, Prescott of Raymond, Cotton of Sandown.

Strafford County. Bartlett of Lee, Leighton.

Belknap County. Dow of Barnstead, Colbath, Reynolds of Centre Harbor, Dearborn, Prescott of Sanbornton, Folsom of Upper Gilmanton.

Carroll County. Ayers, Pitman, Eastman of Conway, Drew of Eaton, Bennett of Freedom, Hodge of Jackson, Warren, Hobbs, Blaisdell of Tiltonborough, Smith of Wakefield, Rogers of Wolfborough.

Merrimack County. Pease of Allentown, Swett, Goodhue of Bow, Sawyer of Bradford, Lake, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Cate, Reynolds of Pittsfield, Palmer, Watson, Harimar, Colby of Warner, Andrews.

Hillsborough County. Smith of Brookline, Smith of Deering, Russell, Spaulding, McNeil, Coolidge, Baldwin, Little of Manchester, Connor, Bruce, Bailey of Nashua, Cahill, Roby of Nashua, Fox, Sherburne, Taggart, Barrett, Emerson of Windsor.

Cheshire County. Chapin, Jones of Marlow, Weeks of Stoddard, Patten.
Sullivan County. McLaughlin, Rowell, Philbrick, Knowlton, Lewis, Gage.

Grafton County. Whiteher, Sinclair, Batchelder of Bridgewater, Dean, Eaton, Whitney, Morse of Hebron, Smith of Holderness, Hughes, Knight, Bingham, Williams, Page of Thornton, Page of Warren.

Coos County. Young of Clarksville, Cole, Wright of Erroll, Tubbs of Gorham, Ingalls, Washburn, Young of Stewartstown, Marshall of Stratford, Aldrich.

Yeas, 161; nays, 92.

So the bill was ordered to a third reading.

On motion of Mr. Campbell, the bill entitled An act to provide for the funding of the State debt, was taken from the table and ordered to a second reading.

The following joint resolutions were severally read a second time and ordered to a third reading:

Joint resolution in favor of Stevens & Dunklee;

Joint resolution in favor of Gage, Moore & Co.

The bill entitled An act to provide for the funding of the State debt was then read a second time.

On motion of Mr. Cate, of Northfield, the bill was amended by striking out in line 28 of section 2, the word "shall," and substituting therefor the word "may."

Mr. Cate moved to further amend by striking out in section 2, lines 30—35, the following words:

"In case proposals shall not be received to the whole amount directed to be sold, the balance of said amount may be sold by the Treasurer under the the direction of the Governor and Council at public auction, due notice having been first given of the time and place of said sale as said Governor and Council may determine;" which motion did not prevail.

Mr. Cate, moved to amend further, by inserting in line 7 of section 5, after the word "securities" the words "to be approved by the Governor and Council;" which amendment was rejected.

The bill was then ordered to a third reading.

The following message was received from His Excellency the Governor, which, on motion of Mr. Little, was referred to the Committee on Military Affairs:

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EXECUTIVE DEPARTMENT, }
Concord, August 17, 1864.

To the Honorable Senate and House of Representatives :

I herewith transmit the accounts of Robert R. Corson, Esq., of Philadelphia, and Col. Frank E. Howe, of New York City, State military agents, for expenses incurred in administering to the comfort and welfare of our sick and wounded soldiers.

J. A. GILMORE.

On motion of Mr. Little, of Manchester, the report of the select committee on the raising of troops, relating to the joint resolution authorizing the Governor to refund money to drafted men, was taken from the table.

The question being upon the adoption of the resolution reported by the committee indefinitely postponing said joint resolution.

On this question the yeas and nays were demanded, were called, and were as follows:

Those who voted in the affirmative were Messrs.

Rockingham County. Ladd, Gilchrist, Crawford, Dimond, Adams of Derry, Eastman of Derry, Clifford, Moses, Robinson of Fremont, Weeks of Greenland, Moulton, Leavitt, Tilton, Marshall of Kingston, Platts, Dodge, Meloon, Stackpole, Creighton, Willey, Walker, Haven, Moran, Hill of Portsmouth, Hackett, Yeaton, Woodbury, Wear, Currier of South Hampton, Paul, French, Emerson of Windham.

Strafford County. Young of Barrington, Drew of Barrington, Wyatt, Morrill, Bickford, Wheeler of Dover, Nute, Parker of Farmington, Austin of Madbury, Jones of Milton, Hall of Rochester, Horne, Hayes, Shackford, Wakefield.

Belknap County. Bennett of Alton, Emerson, of Alton, Kelley, Brown of Gilmanton, Weeks of Gilford, Robie of Gilford, Wiggin, Burden.

Carroll County. Blaisdell of Madison, Gould, Hubbard of Tamworth, Standley.

Merrimack County. Harris of Boscawen, Merriam, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Sargent, Aiken, Burleigh of Franklin, Bunker, Whitehouse.

Hillsborough County. Campbell of Amherst, True, Smith of Brookline, Hodge of Franconstown, Greer, Kennedy, Greeley, Pike, Goodrich of Lyndeborough, Pearson, Thayer, Hill of Manchester, Martin, Clarke of Manchester, Johnson, Gardner, Montgomery, Moore, Knowles, Mitchell, Whittle, Adams of Manchester, Parker of Merrimack, Sawyer of Milford, Wadleigh, Scripture, Sawyer of Nashua, Wellman of Nashua, Greenwood, Rockwood, Davis of New Ipswich, Tubbs of Peterborough, Story, Gove.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Bailey of Jaffrey, Abbott, Lane of Keene, Gates, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Farrar, Bates, Humphrey of Winchester, Perkins of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Glidden, Colby of Claremont, Brewer, Briggs, Tracy, Wellman of Cornish, Humphrey of Croydon, Fowler, Slader, Barton.

Grafton County. Taylor of Bristol, Bartlett of Canaan, Smith of Enfield, Dow of Hanover, Kimball, Cotton of Haverhill, Mason of Hill, Smith of Holderness, Hughes, Knight, Downs, Parker of Lisbon, Ash, Thurston, Williams, Underhill, Rogers of Piermont, Marston, Shute.

Coos County. Cone.

Those who voted in the negative were Messrs.

Rockingham County. Lane of Candia, York, Coleman of Newington, Batchelder of Newton, Batchelder of Nottingham, Odiorne, Wendell, Perkins of Rye, Cotton of Sandown.

Strafford County. Foss.

Belknap County. Dow of Barnstead, Colbath, Dearborn, Prescott of Sanbornton, Folsom of Upper Gilmanton.

Carroll County. Ayers, Pitman, Eastman of Conway, Drew of Eaton, Bennett of Freedom, Hodge of Jackson, Warren, Roles, Hobbs, Blaisdell of Tuftonborough, Smith of Wakefield, Rogers of Wolfborough.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Lake, Hutchins, Putney, Bailey of Hopkinton, Eastman of Loudon, Cate, Reynolds of Pittsfield, Palmer, Calef, Watson, Harriman, Colby of Warner, Andrews.

Hillsborough County. Whittemore, Smith of Deering, Spaulding, Little of Manchester, Connor, Bruce, Bailey of Nashua, Roby of Nashua, Fox, Sherburne, Taggart, Barrett, Emerson of Windsor.

Cheshire County. Chapin, Jones of Marlow, Weeks of Stoddard, Felt of Sullivan, Lombard, Patten.

Sullivan County. McLaughlin, Parker of Lempster, Rowell, Philbrook, Knowlton, Lewis, Gage.

Grafton County. Hibbard, Whitcher Sinclair, Hodgman, Dean, Pease of Ellsworth and Waterville, Whitney, Quint, Morse of Hebron, Bingham, Hoskins, Page of Thornton, Page of Warren, Campbell of Woodstock and Lincoln.

Coos County. Young of Clarksville, Ruggles, Wright of Erroll, Tubbs of Gorham, Ingalls, Washburn, Young of Stewartstown, Marshall of Stratford, Aldrich.

Yeas 155; nays 93.

So the resolution was adopted.

On motion of Mr. Briggs, of Claremont,

The House adjourned.

AFTERNOON.

The following message was received from the Senate by their clerk :

Mr. Speaker—

The Senate concur with the House of Representatives in the passage of the following bills and resolutions :

An act in relation to the Carroll County Bank ;

An act to incorporate the President, Directors and Company of the Kearsarge Bank ;

Resolution in favor of James B. Gove :

Resolution relating to the printing of the Adjutant General's Report for 1865 ;

Resolution for raising two regiments of troops.

Mr. Briggs, of Claremont, from the Committee on Printers' Accounts, to whom was referred the account of E. H. Cheney, reported the following joint resolution, which was read a first time and ordered to a second reading :

Resolved by the Senate and House of Representatives in General Court convened, That E. H. Cheney be allowed four dollars (\$4.00) in full for his account, and that the same be paid from any money in the treasury not otherwise appropriated.

Mr. Bickford, of Dover, from the Committee on Military Affairs, to whom was referred the joint resolution in favor of the Lyndeborough Artillery, reported the following resolution, which was adopted :

Resolved, That the same be postponed to the next session of the Legislature.

Mr. Bailey, of Nashua, from the same committee, to whom was referred the joint resolution authorizing the Adjutant-General to furnish all necessary colors to all New Hampshire regiments in camp, reported the same without amendment, and the bill was ordered to a third reading.

On motion of Mr. Barton, of Newport, the rules of the House were suspended, and the joint resolution was then read a third time, passed and sent to the Senate for concurrence.

Mr. Bailey, from the same committee, to whom was referred the resolution authorizing the Adjutant General to procure a set of colors for the 1st New Hampshire Cavalry, reported the following resolution, which was adopted :

Resolved, That the further consideration of said resolution be indefinitely postponed.

Mr. Bickford, of Dover, from the same committee, to which was referred the petition of Eliphalet Gale and others, reported the following resolution, which was adopted :

Resolved, That the same be referred to the special committee on so much of the Governor's message as relates to the raising of troops.

Mr. Adams, of Manchester, from the Committee on Incorporations, to whom was referred the bill entitled An act to incorporate the Milford Hotel Company reported the same without amendment, and the bill was ordered to a third reading.

Mr. Campbell, of Woodstock, presented the petition of N. H. Weeks and others, praying for the assumption by the State of town indebtedness.

The petition was referred to the Committee on Finance.

Mr. Knight, of Landaff, gave notice that he should move a reconsideration of the vote whereby the joint resolution authorizing the Governor to refund money to drafted men was indefinitely postponed, he having voted with the majority.

On motion of Mr. Adams, of Manchester, the rules of the House were suspended, and all bills in order for a third reading at 3 o'clock, were made in order for a third reading at the present time.

The following bills and joint resolutions were severally read a third time, passed, and sent to the Senate for concurrence.

An act to provide for the funding of the State debt ;

An act in relation to the taxation of deposits in Savings' Banks ;

Joint resolution in favor of Gage, Moore & Co. ;

Joint resolution in favor of Stevens & Duncklee ;

The bill entitled An act to facilitate the raising of troops, was read a third time, when Mr. Coolidge, of Hillsborough, moved to amend the title of the bill by striking out all after the words "An act to," and inserting "ensure a draft in the State of New Hampshire," which motion did not prevail.

The bill then passed, and was sent to the Senate for concurrence.

On motion of Mr. Bailey, of Nashua, the House reconsidered the vote whereby it postponed to the next session of the Legislature the joint resolution in favor of the Lyndeborough Artillery.

On motion of Mr. Barton, the rules were suspended, and the joint resolution in favor of the Lyndeborough Artillery was read a third time, passed, and sent to the Senate for concurrence.

Mr. Quincy, of Rumney, from the select committee on Military Affairs, to whom was referred a bill entitled An act authorizing cities and towns to pay bounties to re-enlisted men and certain others, reported the same without amendment, and the bill was ordered to a third reading.

On motion of Mr. Quincy, the rules were suspended, and the bill was then read a third time, passed and sent to the Senate for concurrence.

Mr. Bingham, of Littleton, introduced the following:

WHEREAS, Walter Harriman, in the capacity of Colonel of the 11th New Hampshire Regiment, has addressed the members of this House, upon its invitation, in relation to matters of experience and information acquired by him while in the military service, and while a prisoner in the hands of the enemy; and whereas grave and serious charges, utterly ruinous to his character for honor, truthfulness and courage, have been solemnly preferred against him by his brother officers of the said 11th Regiment and have not been denied by him. The request that such charges should be made and an investigation had, together with the charges themselves and the specifications under them, are as follows, to wit:

MAJOR FARR: We, the undersigned, officers of the 11th Regiment New Hampshire Volunteers, having learned that

reports are in circulation charging Colonel Harriman with the offence of withdrawing his regiment without orders from its post on picket in front of the enemy at Fredericksburg, on the night of the 15th of December last; also imputing to him conduct unbecoming an officer and gentleman, it being even said, among other things, that he has repeatedly written letters for the newspapers in New Hampshire and Massachusetts, inducing privates in the regiment to copy and send them as their own; do therefore, as an act of justice to Col. Harriman and ourselves, and that the good name of the regiment may not be destroyed, respectfully ask of you that these charges may be put in proper form and investigated by a military commission.

Stanford, Ky., May 26, 1863.

Signed—Lieut. A. E. Hutchins, Capt. W. R. Patten, Surgeon J. S. Ross, Lieut. J. K. Cilley, Capt. George E. Pingree, Horace C. Bacon, Capt. Co. H; James F. Briggs, 1st Lieut. and R. Q. M.; Joseph B. Clark, 1st Lieut. Co. C; Hollis O. Dudley, Capt. Co. C; J. Charles Currier, 2d Lieut. Co. C; Charles E. Everett, 2d Lieut. Co. K; Nat. Lowe, Jr., Capt. Co. K; Lieut. J. S. Bell; Arthur C. Locke, Capt. Co. E; Chas. Woodman, Capt. Co. F.

*Charges and specifications preferred against Walter Harriman,
Colonel of the 11th Regiment N. H. Vols.*

Charge 1st. Deserting his post while on duty before the enemy.

Specification. In this: that he, Walter Harriman, Col. 11th Regt. N. H. Vols., having been, while in command of his regiment, posted on picket duty in front of the enemy near the city of Fredericksburg, Va., on the night of December 14, 1862, did on the night next after, having been posted as aforesaid, desert his post, ordering his men to fall in and follow him; and he, Walter Harriman, Colonel 11th Regt. N. H. V., did then march his regiment away from their post, through the city of Fredericksburg, and back across the Rappahannock river, without having been relieved by any one, or having received orders so to do from the commanding officer of his brigade, or from any superior officer whatever. To the prejudice of good order and military discipline.

This at the city of Fredericksburg, Va., on or about December 15, 1862.

Charge 2d. Conduct unbecoming an officer and a gentleman.

Specification 1st. In this: that he, Walter Harriman, Col. 11th N. H. V., had copied, a letter, by private Frank E. Haynes, Co. D, 1st N. H. Vols., as an anonymous production, in which letter was the following language, to wit: "Colonel Harriman, who is never to be outdone in acts of courtesy, responded for the regiment, nobly, feelingly, and in terms of such patriotic fervor as to cause peal after peal of applause to wake the echoes through the vast hall. The Colonel never fails wherever you put him." To the prejudice of good order and military discipline.

This at Camp Sterling, Ky., on or about April 5th, 1863.

Specification 2d. In this: that he, Walter Harriman, Col. 11th N. H. Vols., did, while in camp with his regiment at Mt. Sterling, Ky., write and have copied by a private of his regiment and published in the Manchester Mirror, a paper printed in the city of Manchester, N. H., words and language as follows, to wit:

"Having no teams of our own, the Colonel of the 11th, before leaving Paris, sent out Capt. Cogswell and Lieut. Briggs with twenty armed men [who] went to press into the service teams, men and rations to transport us to this place. They went to armed rebels, and obtained, with some difficulty, the necessary teams, drivers, &c."

Thereby representing with his own pen that he had issued the above order, when in fact and in truth it was not issued by him, but by Col. Clark, of the 21st Mass. regiment, then in command of the brigade.

This at camp 11th Regt. N. H. Vols., at Mount Sterling, Ky., on or about April 5th, 1863.

Specification 3d. In this: that he, Walter Harriman, Col. 11th Regt. N. H. Vols., did, while in camp with his regiment at Newport, Va., and at that time he, Walter Harriman, Colonel 11th Regt. N. H. Vols., being a member of a mess of his brother officers, bring into said mess a small quantity of butter, stating that he had fifteen pounds of butter which he had bought in Washington and paid (25) twenty-five cents per pound for; which bill was paid by the mess aforesaid and the money received by the said Walter Harr

man, Col. 11th Regt. N. H. Volunteers, when in truth and in fact there was ten pounds instead of fifteen, and the butter was made by his wife at her house in Warner, N. H., and it was brought by herself to Washington, D. C., and there given to the aforesaid Walter Harriman, Col. 11th Regt. N. H. Vols.; and the aforesaid Walter Harriman did, in this transaction, tell a deliberate falsehood, thereby forfeiting all claims to the confidence, honor, respect and obedience of his officers and men.

This at camp 11th Regiment N. H. Vols., Newport News, Va., on or about March 1, 1863.

Specification 4. In this: that he, Walter Harriman, Col. 11th Regiment N. H. Vols., did, while in command of his regiment in Fredericksburg, Va., receive one bag of grain from Joshua Smith, private of Co. B, 11th Regiment N. H. Vols., then Brigade Forage Master, said grain to be divided between all the private horses of his regiment, and did say, when he, Walter Harriman, Col. 11th Regiment N. H. Vols., was asked by Quartermaster James F. Briggs, 11th Regiment N. H. Vols., for said grain, that it might be distributed to the several officers entitled thereto, that it was his own property, which he had bought of said Joshua Smith, private of Co. B, 11th N. H. Vols., and paid him the sum of (50) fifty cents therefor—which statement was false and untrue.

This at the city Fredericksburg, on or about December 12th, 1862.

EVARTS W. FARR,

Major 11th, Regt. N. H. Vols.

Stanford, Ky., June 2, 1863.

Witnesses—Brig. Gen. Edward Ferrero; Evarts W. Farr, Major 11th Regt. N. H. Vols.; Geo. E. Pingree, Capt. Co. G, 11th Regt. N. H. Vols.; Jas. F. Briggs, Quartermaster; Frank E. Haynes, private Co. D; Nathan E. Storer, private Co. A; N. M. Collins, Lieut. Col.

—and whereas the said Walter Harriman upon the preferment of the aforesaid charges, resigned his commission in order to avoid an investigation thereon and whereas his corps commander, General Potter, when applied to by the Adjutant General, made the following certificate, viz: "In the opinion of Colonel Harriman's superior officers he is unfit to com-

mand a regiment;" and whereas it is rumored that the said Walter Harriman voluntarily became a prisoner to the enemy at the battle of the Wilderness, in May last, for the purpose of escaping a second disgrace, and to avoid being cashiered and deprived of his command. To the end therefor that falsehood may be exposed, the truth vindicated and justice be done, and that we may neither be imposed upon by the statements of a discredited person, unworthy of being believed, nor reject too hastily the testimony of one whose claims to our confidence have not been investigated, be it,

Resolved, That a committee consisting of five persons with power to send for persons and papers be appointed by this House, with instructions to investigate one and all the matters aforesaid and to report thereon.

Mr. Wheeler, of Dover, moved to amend, by striking out the preamble, and all after the word "*Resolved*," and inserting the following:

That Col. Walter Harriman of the Eleventh Regiment New Hampshire Volunteers by his steadfast and determined adherence to his country, as above party, and by his valor and tried patriotism whereby he has incurred that fierce partisan malignity which can find nothing too pure and sacred for its attack has endeared himself to the hearts of the people of this State and deserves and will receive their confidence and respect.

On the question, Shall the amendment be adopted, the yeas and nays were demanded, were called, and were as follows:

Those who voted in the affirmative were Messrs.

Rockingham County. Ladd, Gilchrist, Crawford, Dimond, Brown of Deerfield, Adams of Derry, Moses, Robinson of Fremont, Weeks of Greenland, Moulton, Leavitt, Tilton, Marshall of Kingston, Platts, Dodge, Meloon, Stackpole, Creighton, Willey, Hurd, Walker, Haven, Hill of Portsmouth, Yeaton, Woodbury, Weare, Carrier of South Hampton, Emerson of Windham.

Strafford County. Young of Barrington, Wyatt, Bickford, Wheeler of Dover, Brewster, Nute, Parker of Farmington, Curtis, Austin of Madbury, Jones of Milton, Hall of Rochester, Horne, Hayes, Shackford, Wakefield.

Belknap County. Bennett of Alton, Emerson of Alton, Kelley, Brown of Gilmanton, Robie of Gilford, Stewart.

Carroll County. Blaisdell of Madison, Gould of Sandwich, Hubbard of Tamworth, Standley.

Merrimack County. Harris of Boscawen, Merriam, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Sargent, Aiken, Nickelson, Whitehouse, Little of Webster.

Hillsborough County. Campbell of Amherst, True, Hodge of Francestown, Greer, Kennedy, Greeley, Pike, Goodrich of Lyndeborough, Pearson, Hill of Manchester, Martin, Clarke of Manchester, Johnson, Montgomery, Moore, Knowles, Mitchell, Whittle, Parker of Merrimack, Sawyer of Milford, Wadleigh, Saunders, Greenwood, Rockwood, Davis of New Ipswich, Tubbs of Peterborough, Keyes, Story, Gove.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Bailey of Jaffrey, Abbott Lane of Keene, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Holbrook, Bates, Humphrey of Winchester, Perkins of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Glidden, Colby of Claremont, Brewer, Briggs, Tracy, Wellman of Cornish, Humphrey of Croydon, Fowler, Slader, Barton, Wilcox.

Grafton County. Hibbard, Batchelder of Bridgewater, Taylor of Bristol, Bartlett of Canaan, Follansbee, Smith of Enfield, Blood of Groton, Hubbard of Hanover, Dow of Hanover, Kimball, Cotton of Haverhill, Mason of Hill, Smith of Holderness, Downs, Parker of Lisbon, Ash, Thurston, Williams, Underhill, Rogers of Piermont, Marston, Shute.

Coos County. Cone, Washburn.

Those who voted in the negative were Messrs.

Rockingham County. York, Batchelder of Newton, Batchelder of Nottingham, Odiorne, Perkins of Rye, Cotton of Sandown.

Strafford County. Joy, Foss.

Belknap County. Dow of Barnstead, Reynolds of Centre Harbor, Dearborn, Prescott of Sanbornton, Folsom of Upper Gilmanton.

Carroll County. Ayers, Pitman, Drew of Eaton, Bennett of Freedom, Hodge of Jackson, Warren, Hobbs, Blaisdell of Tuftonborough, Smith of Wakefield.

Merrimack County. Pease of Allenstown, Goodhue of Bow, Sawyer of Bradford, Hutchins, Doe, Putney, Batchelder of Loudon, Dana, Cate, Reynolds of Pittsfield, Palmer, Calef, Watson, Colby of Warner.

Hillsborough County. Whittemore, Smith of Deering, Spaulding, Coolidge, Baldwin, Little of Manchester, Connor, Bruce, Bailey of Nashua, Robie of Nashua, Fox, Taggart, Barrett.

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Cheshire County. Chapin, Jones of Marlow, Weeks of Stoddard, Lombard.

Sullivan County. McLaughlin, Rowell, Philbrick, Knowlton, Lewis, Gage.

Grafton County. Whitchee, Sinclair, Hodgman, Dean, Eaton, Whitney, Morse of Hebron, Knight, Bingham, Quincy, Page of Thornton, Page of Warren.

Coos County. Young of Clarksville, Ruggles, Cole, Tubbs of Gorham, Ingalls, Young of Stewartstown, Marshall of Stratford, Wheeler of Berlin.

Yeas 148; nays 79.

So the amendment was adopted.

The question then recurring,

Shall the resolution pass?

On this question the yeas and nays were demanded, were called, and were as follows:

Those who voted in the affirmative were Messrs.

Rockingham County. Ladd, Gilchrist, Crawford, Dimond, Brown, of Deerfield, Eastman of Derry, Moses, Robinson of Fremont, Weeks of Greenland, Moulton, Leavitt, Tilton, Marshall of Kingston, Platts, Dodge, Meloon, Stackpole, Creighton, Willey, Batchelder of Nottingham, Hurd, Walker, Haven, Moran, Hill of Portsmouth, Yeaton, Woodbury, Weare, Currier of South Hampton, French, Emerson of Windham.

Strafford County. Young of Barrington, Drew of Barrington, Wyatt, Morrill, Bickford, Wheeler of Dover, Brewster, Nute, Parker of Farmington, Curtis, Austin of Madbury, Jones of Milton, Lyman, Hall of Rochester, Horne, Hayes, Shackford, Wakefield.

Belknap County. Bennett of Alton, Emerson of Alton, Kelley, Brown of Gilmanton, Robie of Gilford, Wiggin.

Carroll County. Blaisdell of Madison, Hubbard of Tamworth, Standley.

Merrimack County. Harris of Boscawen, Merriam, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Sargent, Aiken, Nickelson, Whitehouse, Little of Webster.

Hillsborough County. Campbell of Amherst, True, Riddle, Smith of Brookline, Hodge of Frankestown, Greer, Kennedy, Greeley, Pike, Goodrich of Lyndeborough, Pearson, Hill of Manchester, Martin, Clarke of Manchester, Johnson, Montgomery, Moore, Knowles, Mitchell, Whittle, Parker of Merrimack, Sawyer of Milford, Wadleigh, Saunders, Greenwood, Rockwood, Davis of New Ipswich, Tubbs of Peterborough, Keyes, Story, Gove.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Bailey of Jaffrey, Abbott, Lane of Keene, Gates, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Holbrook, Farrar, Bates, Humphrey of Winchester, Perkins of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Glidden, Colby of Claremont, Brewer, Briggs, Tracy, Wellman of Cornish, Humphrey of Croydon, Fowler, Slader, Barton, Wilcox.

Grafton County. Hibbard, Taylor of Bristol, Bartlett of Canaan, Follansbee, Smith of Enfield, Blood of Groton, Hubbard of Hanover, Dow of Hanover, Kimball, Cotton of Haverhill, Mason of Hill, Smith of Holderness, Downs, Parker of Lisbon, Ash, Thurston, Williams, Underhill, Rogers of Piermont, Marston, Shute.

Coos County. Cone, Legro, Washburn.

Those who voted in the negative were Messrs.

Rockingham County. Dow of Atkinson, York, Coleman of Newington, Batchelder of Newton, Odiorne, Wendell, Cotton of Sandown.

Strafford County. Joy, Foss.

Belknap County. Dow of Barnstead, Reynolds of Centre Harbor, Dearborn, Prescott of Sanbornton, Folsom of Upper Gilmanton.

Carroll County. Ayers, Pitman, Eastman of Conway, Drew of Eaton, Bennett of Freedom, Hodge of Jackson, Warren, Hobbs, Blaisdell of Tuftonborough.

Merrimack County. Pease of Allentown, Goodhue of Bow, Sawyer of Bradford, Hutchins, Doe, Putney, Batchelder of Loudon, Dana, Cate, Palmer, Calef, Watson, Harriman, Colby of Warner.

Hillsborough County. Whittemore, Smith of Deering, Spaulding, Coolidge, Baldwin, Little of Manchester, Connor, Bruce, Bailey of Nashua, Roby of Nashua, Fox, Taggart, Barrett, Emerson of Windsor.

Cheshire County. Chapin, Jones of Marlow, Weeks of Stoddard, Lombard.

Sullivan County. McLaughlin, Rowell, Knowlton, Gage.

Grafton County. Whiteher, Sinclair, Hodgman, Dean, Eaton, Pease of Ellsworth and Waterville, Whitney, Quint, Morse of Hebron, Knight, Bingham, Page of Thornton, Page of Warren, Campbell of Woodstock and Lincoln.

Coos County. Young of Clarksville, Ruggles, Cole, Tubbs of Gorham, Ingalls, Young of Stewartstown, Marshall of Stratford, Aldrich, Wheeler of Berlin.

Yeas 157; nays 82.

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So the resolution passed.

Mr. Emerson, from the Joint Committee on Engrossed Bills, reported that they had examined and found correctly engrossed bills with the following titles, and the following joint resolutions.

An act in relation to the Carroll County Bank;
Resolution relating to the printing of the Adjutant General's Report for 1865;
Resolution in favor of James B. Gove.

On motion of Mr. Parker, of Farmington,

Resolved, That when the House adjourns this afternoon, it adjourn to meet at 9 o'clock to-morrow morning.

On motion of Mr. Perkins, of Winchester,

The House adjourned.

THURSDAY, August 18, 1864.

On motion of Mr. Parker, of Merrimack, the rules were suspended and the reading of the journal was omitted.

PETITIONS, &C., PRESENTED AND REFERRED.

To the Committee on Finance:

By Mr. Bennett, of Freedom, the memorial of the town of Freedom;

By Mr. Hobbs, of Ossipee, the petition of B. F. Hobbs and others;

By Mr. Witcher, of Benton, the petition of S. A. Heath and others;

By Mr. Hodge, of Jackson, the petition of R. U. Pinkham and others.

Mr. Pitman, of Bartlett, introduced the following joint resolution which was read a first and second time and referred to the Committee on Banks:

Resolved by the Senate and House of Representatives in General Court convened, That whenever the directors of the Carroll County Bank shall vote to accept the provisions of An act in relation to the Carroll County Bank, passed August session, 1864, increasing the capital stock thereof, said act shall be binding and of effect.

[Mr. Bailey, of Nashua, in the Chair.]

Mr. Clarke, of Manchester, from the Committee on the Judiciary, to which was referred a bill entitled An act to prevent the defacing of private property and natural objects by advertisements, reported the bill with the following amendment:

In the second line of section two, strike out the word "twenty" and insert the word "ten."

The amendment reported by the committee was adopted, and the bill was ordered to a third reading.

Mr. Barton, from the same committee, to whom was referred a bill entitled An act in amendment of an act for the enlargement of the State Capitol, reported the bill without amendment, and it was ordered to a third reading.

The following message was received from the Senate by their Clerk:

Mr. Speaker—

The Senate concur with the House of Representatives in the passage of the following bills and resolutions:

An act authorizing cities and towns to fund their debts;

An act to authorize cities and towns to pay bounties to re-enlisted men and certain others;

Resolution in favor of the Lyndeborough Artillery;

Resolution authorizing the Adjutant General to furnish colors for New Hampshire Regiments.

The Senate have passed the House bill entitled An act in amendment of Chapter 964 of the Pamphlet Laws, relating to the public printing, with an amendment, in the adoption of which they ask the concurrence of the House of Representatives:

Amend the 1st section by inserting after the word "that" in the first line of said section the words "section two of," also by adding at the close of the 2d section the following "and be in force for the term of one year and no longer."

The amendments proposed by the Senate to the bill entitled An act in amendment of Chapter 964 of the Pamphlet Laws, relating to the public printing, were severally adopted.

[The Speaker in the Chair.]

Mr. Whitcher, of Benton, moved that the rules be so suspended, that any member may move the reconsideration of the vote whereby the House postponed to the next session of the Legislature, the bill entitled An act to assume certain expenses and indebtedness of the several cities and towns of this State.

On this question the yeas and nays were demanded, pending the call of which, Mr. Campbell, of Amherst, called for the general order of the day, the same being the consideration of bills on their second reading.

The joint resolution in favor of E. H. Cheney, was then read a second time and ordered to a third reading.

On motion of Mr. Adams, of Manchester,

Resolved, That the select Committee on the Raising of Troops, be instructed to inquire why the State bounties are not paid to the companies of First New Hampshire Cavalry now in camp in Concord, whether or not any persons are advancing said State bounties and taking as assignment thereof, and if so, what discount is allowed to such persons; and whether or not any legislation is necessary to secure the bounties to said soldiers, and save them from imposition.

On motion of Mr. Scripture, of Nashua,

The House adjourned.

AFTERNOON.

The following message was received from the Senate by their Clerk:

Mr. Speaker—

The Senate concur with the House of Representatives in the passage of the following resolutions :

Resolution in favor of Gage, Moore & Co. ;

Resolution in favor of Stevens & Dunklee.

The Senate have passed the following bill :

An act in relation to counting the votes for Electors of President and Vice President and for Representatives in Congress, in the passage of which they ask the concurrence of the House of Representatives.

The Senate bill entitled An act in relation to counting the votes for Electors of President and Vice President and for Representatives in Congress, was then read a first and second time and referred to the Committee on the Judiciary.

Agreeably to previous notice, Mr. Little, of Manchester, introduced a bill entitled An act for the preservation of fish in Profile Lake, Franconia, N. H., and the bill was read a first and second time, and referred to the Committee on Agriculture.

On motion of Mr. Barton, leave was granted the Committee on the Judiciary, to sit during the session of the House this afternoon.

On motion of Mr. Farnum, of Concord, leave was granted the Committee on Agriculture to sit during the session of the House this afternoon.

Mr. Emerson, of Windham, from the Committee on Engrossed Bills, reported that they had carefully examined and found correctly engrossed, the following bills and joint resolutions, viz. :

A joint resolution appropriating \$300 for a gun-house at Lyndeborough ;

Resolution authorizing the Adjutant-General to furnish all necessary colors to all New Hampshire regiments ;

An act authorizing cities and towns to fund their debts ;

An act to authorize cities and towns to pay bounties to re-enlisted men and certain others ;

An act in amendment of Chapter 964 of the Pamphlet Laws relating to the public printing ;

Resolution in favor of Stevens & Duncklee;
Resolution in favor of Gage, Moore & Co.;
An act to incorporate the Kearsarge Bank.

The following bills and joint resolution were severally read a third time, passed, and sent to the Senate for concurrence:

An act to prevent the defacing of private property and natural objects by advertisements;
An act to incorporate the Milford Hotel Company;
Joint resolution in favor of E. H. Cheney;
An act in amendment of an act for the enlargement of the State Capitol.

Mr. French, of Stratham, from the Committee on Military Affairs, to whom was referred a joint resolution relating to the reception of certain New Hampshire regiments, reported the same without amendment, and the resolution was ordered to a third reading.

Mr. French, from the same committee, to which was referred the message of His Excellency the Governor relative to the accounts of military agents in New York City and Philadelphia, reported the following joint resolution, which was read a first time and ordered to a second reading.

Resolved by the Senate and House of Representatives in General Court convened, That the sum of five hundred fifty six dollars and eighty-seven cents be allowed Robert R. Corson, and that the sum of four hundred thirty-one dollars and forty-one cents be allowed Frank E. Howe, for the care of the sick and wounded soldiers, for the quarter ending June 30, 1864, and that the same be paid out of any money in the Treasury not otherwise appropriated, and the Governor is hereby authorized to draw his warrant on the treasury therefor.

Mr. Clarke, of Manchester, from the Committee on the Judiciary, to whom was referred a bill entitled An act in relation to counting the votes for Electors of President and Vice President and for Representatives in Congress, reported the same without amendment.

The question being stated,

Shall the bill be read a third time?

Mr. Bingham moved to amend by striking out all of the first section after the word "which," in the ninth line, and insert in place thereof the following: "are not upon the check-lists of the respective towns where such voters claim to be entitled to vote, except it shall appear to the Governor and Council that any of the votes cast by men whose names are not upon such check-lists were cast by men who were voters in the town where they claim the right to vote."

Upon the question of the adoption of the amendment proposed above, the yeas and nays were demanded, called, and were as follows:

Those who voted in the affirmative were Messrs.

Rockingham County. York, Coleman of Newington, Batchelder of Newton, Batchelder of Nottingham, Odiome, Wendell, Prescott of Raymond, Perkins of Rye, Cotton of Sandown, Currier of South Hampton.

Strafford County. Bartlett of Lee, Leighton, Joy, Tuttle, Foss.

Belknap County. Bennett of Alton, Dow of Barnstead, Reynolds of Centre Harbor, Burden, Dearborn, Prescott of Sanbornton, Folsom of Upper Gilmanton.

Carroll County. Ayers, Pitman, Eastman of Conway, Drew of Eaton, Bennett of Freedom, Hodge of Jackson, Warren, Roles, Hobbs, Blaisdell of Tuftonborough, Smith of Wakefield, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Clough, Lake, Hutchins, Doe, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Dana, Cate, Reynolds of Pittsfield, Palmer, Calef, Watson, Harriman, Colby of Warner, Andrews.

Hillsborough County. Whittemore, Smith of Deering, Russell, Spaulding, McNeil, Coolidge, Baldwin, Little of Manchester, Bruce, Bailey of Nashua, Cabill, Roby of Nashua, Fox, Sherburne, Taggart, Barrett, Emerson of Windsor.

Cheshire County. Chapin, Jones of Marlow, Weeks of Stoddard, Lombard, Patten.

Sullivan County. McLaughlin, Parker of Lempster, Rowell, Philbrick, Knowlton, Lewis, Gage.

Grafton County. Whitcher, Sinclair, Hodgman, Dean, Eaton, Pease of Ellsworth and Waterville, Whitney, Quint, Dow of Hanover, Morse of Hebron, Knight, Bingham, Eastman of Littleton, Quiney, Page of Thornton, Page of Warren, Campbell of Woodstock and Lincoln.

Coos County. Young of Clarksville, Ruggles, Cole, Wright of Erroll, Tubbs of Gorham, Young of Stewartstown, Marshall of Stratford, Aldrich, Wheeler of Berlin.

Those who voted in the negative were Messrs.

Rockingham County. Preston, Gilchrist, Dimond, Brown of Deerfield, Moses, Robinson of Fremont, Weeks of Greenland, Moulton, Leavitt, Tilton, Marshall of Kingston, Platts, Dodge, Stackpole, Creighton, Willey, Hurd, Walker, Haven, Yeaton, Woodbury, Weare, Emerson of Windham.

Strafford County. Young of Barrington, Wyatt, Morrill, Bickford, Brewster, Nute, Parker of Farmington, Curtis, Austin of Madbury, Horne, Wakefield.

Belknap County. Kelley, Brown of Gilmanton, Robie of Gilford, Wiggins, Stewart.

Carroll County. Coleman of Brookfield, Gould, Standley.

Merrimack County. Harris of Boscawen, Merriam, Farnum, Elwell, Paige of Concord, Webster, Davis of Concord, Thompson of Concord, Sargent, Burleigh of Franklin, Nickelson, Bunker, Whitehouse, Little of Webster.

Hillsborough County. Campbell of Amherst, True, Smith of Brookline, Hodge of Frankestown, Greer, Kennedy, Greeley, Pike, Goodrich of Lyndeborough, Thayer, Hill of Manchester, Pulsifer, Martin, Clarke of Manchester, Johnson, Gardner, Montgomery, Knowles, Mitchell, Whittle, Parker of Merrimack, Sawyer of Milford, Wadleigh, Scripture, Greenwood, Keyes, Story, Gove.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Bailey of Jaffrey, Abbott, Gates, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Buckminster, Farrar, Bates, Humphrey of Winchester, Perkins of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Glidden, Colby of Claremont, Brewer, Briggs, Tracy, Wellman of Cornish, Humphrey of Croydon, Fowler, Barton, Wilcox.

Grafton County. Hibbard, Bartlett of Canaan, Follansbee, Smith of Enfield, Clark of Enfield, Hubbard of Hanover, Kimball, Mason of Hill, Smith of Holderness, Hughes, Downs, Parker of Lisbon, Ash, Hoskins, Thurston, Williams, Underhill, Rogers of Piermont, Marston, Shute.

Cos County. Cone, Legro, Washburn.

Yeas, 111; nays, 135.

So the amendment was rejected.

The bill was then ordered to a third reading.

Mr. Glidden, of Charlestown, from the Committee on Agriculture, to whom was referred a bill entitled An act for the preservation of fish in Profile Lake, Franconia, N. H., reported the same without amendment and the bill was ordered to a third reading.

Mr. Cate, of Northfield, presented the petition of Stephen S. Greeley and others, praying for the assumption of the town debts by the State, which was referred to the Committee on Finance.

On motion of Mr. Robinson, of Fremont, leave was given the special committee appointed to investigate the charges of His Excellency the Governor, relative to the Legislature, to sit during the session of the House this afternoon.

On motion of Mr. Campbell, of Amherst,

Resolved, That when the House adjourn this afternoon, it adjourn to meet at 9 o'clock to-morrow morning, and that there be a call of the House at 11 o'clock, A. M.

[Mr. Lane, of Keene, in the chair.]

The House then considered the motion of Mr. Whitcher of Benton, to suspend the rules of the House, to permit any member of the House to move a reconsideration of the vote whereby the House postponed to the next session of the Legislature the bill entitled An act to assume certain expenses and indebtedness of the several cities and towns in this State.

Mr. True, of Antrim, called for the previous question, and the question being stated,

Shall the main question be now put?

It was decided in the affirmative.

The question recurring,

Shall the motion of Mr. Whitcher prevail?

On this question the yeas and nays were demanded, were called, and were as follows:

Those who voted in the affirmative were Messrs.

Rockingham County. York, Coleman of Newington, Batchelder of Nottingham, Odiorne, Wendell, Prescott of Raymond, Perkins of Rye, Cotton of Sandown.

Strafford County. Bartlett of Lee, Leighton, Joy, Tuttle, Foss.

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Belknap County. Dow of Barnstead, Colbath, Dearborn, Prescott of Sanbornton, Folsom of Upper Gilmanton.

Carroll County. Ayers, Pitman, Coleman of Brookfield, Drew of Eaton, Bennett of Freedom, Hodge of Jackson, Warren, Roles, Hobbs, Blaisdell of Tuftonborough, Smith of Wakefield, Rogers of Woltborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Clough, Lake, Hutchins, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Dana, Cate, Reynolds of Pittsfield, Palmer, Watson, Harriman, Colby of Warner, Andrews.

Hillsborough County. Whittemore, Smith of Deering, Kennedy, Russell, Spaulding, McNeil, Coolidge, Baldwin, Little of Manchester, Bruce, Bailey of Nashua, Roby of Nashua, Fox, Sherburne, Taggart, Barrett, Emerson of Windsor.

Cheshire County. Chapin, Jones of Marlow, Weeks of Stoddard, Lombard.

Sullivan County. McLaughlin, Parker of Lempster, Rowell, Philbrick, Knowlton, Gage.

Grafton County. Witcher, Sinclair, Hodgman, Dean, Eaton, Pease of Ellsworth and Waterville, Whitney, Quint, Morse of Hebron, Knight, Bingham, Eastman of Littleton, Quincy, Page of Thornton, Page of Warren, Campbell of Woodstock and Lincoln.

Cook County. Young of Clarksville, Ruggles, Cole, Wright of Erroll, Tubbs of Gorham, Washburn, Young of Stewartstown, Marshall of Stratford, Aldrich, Wheeler of Berlin.

Those who voted in the negative were Messrs.

Rockingham County. Preston, Ladd, Gilchrist, Dimond, Eastman of Derry, Moses, Robinson of Fremont, Weeks of Greenland, Moulton, Leavitt, Tilton, Marshall of Kingston, Platts, Dodge, Meloon, Stackpole, Creighton, Willey, Hurd, Walker, Haven, Moran, Yeaton, Woodbury, Weare, Currier of South Hampton, French, Emerson of Windham.

Strafford County. Young of Barrington, Wyatt, Morrill, Bickford, Wheeler of Dover, Brewster, Nute, Parker, of Farmington, Curtis, Austin of Madbury, Horne, Shackford, Wakefield.

Belknap County. Brown of Gilmanton, Weeks of Gilford, Wiggin, Burden, Stewart.

Carroll County. Eastman of Conway, Blaisdell of Madison, Gould, Hubbard of Tamworth, Standley.

Merrimack County. Harris of Boscawen, Merriam, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Sargent, Burleigh of Franklin, Nickelson, Bunker, Whitehouse, Little of Webster.

Hillsborough County. Campbell of Amherst, True, Smith of Brookline, Hodge of Francestown, Greer, Greeley, Pike, Goodrich of Lyndeborough, Thayer, Hill of Manchester, Pulsifer, Martin, Clarke of Manchester, Johnson, Gardner, Montgomery, Knowles, Whittle, Parker of Merrimack, Sawyer of Milford, Wadleigh, Scripture, Saunders, Greenwood, Rockwood, Tubbs of Peterborough, Keyes, Story, Gove.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Amidon, Bailey of Jaffrey, Abbott, Lane of Keene, Gates, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Buckminster, Farrar, Bates, Humphrey of Winchester, Perkins of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Colby of Claremont, Brewer, Briggs, Tracy, Wellman of Cornish, Humphrey of Croydon, Fowler, Slader, Barton, Wilcox.

Grafton County. Hibbard, Bartlett of Canaan, Follansbee, Smith of Enfield, Clark of Enfield, Blood of Groton, Hubbard of Hanover, Dow of Hanover, Kimball, Cotton of Haverhill, Mason of Hill, Smith of Holderness, Bailey of Lebanon, Downs, Parker of Lisbon, Ash, Hoskins, Thurston, Williams, Underhill, Rogers of Piermont, Marston.

Coos County. Cone, Legro.

Yeas, 104; nays, 148.

So the motion did not prevail.

[The Speaker in the Chair.]

Mr. Washburn, of Pittsburg, introduced the following joint resolution, which was read a first and second time and referred to the Committee on Retrenchment and Reform.

Resolved by the Senate and House of Representatives in General Court convened, That the members of the Honorable Senate and of the House of Representatives be allowed the sum of three dollars per day during the present session of the Legislature instead of the usual compensation, and that the clerk make up their pay-rolls accordingly.

Mr. Wheeler, moved that when the House adjourn it meet at 8 o'clock this evening, which motion did not prevail.

Mr. Morse, of Hebron, introduced the following resolution, which was rejected.

Resolved, That when this House adjourn this afternoon it adjourn to 8 o'clock this evening for the purpose of giving

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such gentlemen as wish to display their eloquence an opportunity for doing so.

On motion of Mr. Leavitt, of Hampton,

Resolved, That when the House adjourn this afternoon, it adjourn to meet at 8 o'clock to-morrow morning.

On motion of Mr. Briggs, of Claremont,

The House adjourned.

FRIDAY, August 19, 1864.

On motion of Mr. Platts, of Londonderry, the rules were suspended and the reading of the journal was omitted.

The following message was received from the Senate by their clerk:

Mr. Speaker—

The Senate concur with the House of Representatives in the passage of the following bills and resolution:

An act to incorporate the Milford Hotel Company;

An act to prevent the defacing of private property and natural objects;

An act in amendment of An act for the enlargement of the State Capitol;

Resolution in favor of E. H. Cheney;

An act to provide for the taxation of deposits in Savings Banks.

The Senate have passed the House bill entitled An act to facilitate the raising of troops, with the following amendments:

Amend section 9 by inserting after the word "shall" in the 9th line, the word "hereafter."

Also, by inserting at the end of Section 11, the following;

"*Provided*, That in no case shall said principal receive a larger sum than he has actually paid for said substitute;"

Also, by adding to Section 14, at the close, the following:

"Provided, That nothing in this act shall be so construed as to prevent the cities and towns in this State from applying money by them heretofore legally raised for the purpose of furnishing the quota to which said cities or towns may be subject under the call of the President for five hundred thousand men."

Also a bill entitled An act to provide for the funding of the State Debt, severally with the following amendments:

Amend section 3, by striking out the word "trustees" in the 29th line, and insert, "treasurer."

Amend section 4, lines 8 and 9, by striking out the words, "remaining member or members of said Board of Trustees," and insert "Supreme Judicial Court of the State."

In the adoption of which several amendments they ask the concurrence of the House of Representatives.

The Senate have passed the following resolution in the passage of which they ask the concurrence of the House of Representatives.

Resolved by the Senate and House of Representatives in General Court convened, That His Excellency the Governor be requested to cause to be paid immediately the State bounties due those members of the First New Hampshire Cavalry now in camp in Concord, who have not assigned their right to said bounties, to the men themselves, and to cause to be withheld the payment of any of said bounties which may have been assigned, until the further action of the Legislature.

The Senate have passed the following resolution:

Resolved, That a committee of two be appointed on the part of the Senate with such as the House may join to investigate the subject of the non-payment of the State bounties to the members of the First New Hampshire Cavalry: to inquire what assignments, if any, have been made of said bounties and by what authority: whether or not any money of the State has been used for the purpose of purchasing such assignments, and whether or not any legislation is necessary to prevent imposition upon the soldiers of said

First New Hampshire Cavalry; said committee to have power to send for persons and papers and to have leave to sit during the session of the Legislature.

Senators Blaisdell and Smith, have been appointed as such committee on part of the Senate.

The House concurred in the various amendments proposed by the Senate to the following bills:

An act to facilitate the raising of troops;

An act to provide for the funding of the State debt.

The House passed the joint resolution, sent down from the Senate requesting His Excellency the Governor, to cause the immediate payment of the State bounties to members of the First New Hampshire Cavalry, whose bounties have not been assigned.

The House concurred with the Senate in the adoption of a resolution appointing a joint committee, relative to the non-payment of bounties to the First New Hampshire Cavalry, and the matter of assignment of said bounties, and the Speaker appointed Messrs. Page, of Warren, Wyatt, of Dover, and Clarke, of Manchester, said committee on the part of the House.

Mr. Tubbs, of Peterborough, presented the petition of Thomas Fiske, William M. Parsons and Albert S. Scott, Cattle Commissioners, praying for the passage of a bill entitled An act in addition to chapter 2338 of Pamphlet Laws, entitled An act concerning contagious diseases among cattle, together with a bill with the above title.

On motion of Mr. Tubbs, the bill and petition were severally referred to a select committee consisting of Messrs. Tubbs, of Peterborough, Glidden, of Charlestown, Pitman, of Bartlett, Whitcher, of Benton, and True, of Antrim.

[Mr. Clarke, of Manchester, in the Chair.]

[The House at 9:10 took a recess until 10 o'clock, on motion of Mr. Gould, of Sandwich.]

[The Speaker in the Chair.]

Mr. Cahill, of Nashua, from the special committee to whom

was referred the Governor's message relative to the calling of a constitutional convention, reported the following joint resolution, which was read a first time and ordered to a second reading.

Resolved by the Senate and House of Representatives in General Court convened: That the selectmen of the several towns and places in this State be directed to insert in their several warrants calling town meetings for the election of Electors of President and Vice President, on the first Tuesday, of November next, an article which shall require the sense of the qualified voters to be taken on the following question, to wit:

Is it expedient that a Convention be called to revise the Constitution? The said Convention to be limited in its compensation to that now allowed members of the Legislature for travel, and ten days' attendance, and to be limited in its action to the following particulars:

1st. To enable the qualified voters of this State engaged in the military or naval service of the country in time of war, insurrection or rebellion, to exercise the right of suffrage while absent from the State.

2nd. To abolish all religious tests as qualifications for office.

3d. To diminish the number of members of the House of Representatives.

4th. To increase the number of members of the Senate.

5th. To make provisions for future amendments of the Constitution.

On motion of Mr. Cahill, the resolution was laid upon the table and made the special order at 10 1-2 o'clock this morning.

Mr. Emerson, from the Joint Committee on Engrossed Bills, reported that they had carefully examined the following bills and resolutions and find them correctly engrossed, viz:

Resolution in favor of E. H. Cheney;

An act to prevent the defacing of private property and natural objects by advertisements;

An act in amendment of an act for the enlargement of the State Capitol;

- An act to incorporate the Milford Hotel Company;
- An act in relation to the taxation of deposits in Savings Banks;
- An act to facilitate the raising of troops;
- An act to provide for the funding of the State Debt.

On motion of Mr. Campbell, of Amherst, the joint resolution in favor of Robert R. Corson and Frank E. Howe, was read a second time, the rules being suspended for that purpose.

On motion of Mr. Campbell, the rules being suspended all bills and joint resolutions, in order for a third reading at 3 o'clock this afternoon, were read a third time, passed, and sent to the Senate for concurrence, as follows:

An act for the preservation of fish in Profile Lake Franconia Notch, New Hampshire;

Joint resolution in favor of R. R. Corson and Frank E. Howe;

Joint resolution relating to the reception of certain New Hampshire Regiments.

The following bill sent down from the Senate, was then, under a suspension of the rules, read a third time and passed, in concurrence:

An act in relation to counting the votes for Electors of President and Vice President, and for Representatives in Congress.

On motion of Mr. Cahill, the joint resolution calling a constitutional convention, was taken from the table, and, the rules being suspended, was read a second and third time, passed, and sent to the Senate for concurrence.

Mr. Perkins, of Winchester, introduced the following joint resolution, which was read a first and second time, and referred to the Committee on Retrenchment and Reform:

Resolved by the Senate and House of Representatives in General Court convened, That Rev. B. F. Bowles, Chaplain of the Legislature, be allowed the same compensation as the members of the House.

Mr. Bunker, of New London, introduced the following resolution, which was rejected:

Resolved, That when the House adjourn this forenoon it adjourn to meet this afternoon at 2 o'clock, and when it adjourn this afternoon it adjourn to meet on the afternoon of Monday next, at 4 o'clock.

In accordance with a resolution, a call of the House was made at 11 o'clock, when the following gentlemen were found to be absent:

Rockingham County. Lane of Candia, Brown of Deerfield, Sawyer of Deerfield, Wingate, Giddings, Moses, Robinson of Fremont, Newton, Creighton, Lamprey, Hatch, Hill of Portsmouth, Tucker, Austin of Salem.

Strafford County. Baker, Austin of Madbury, Lyman, Wood, Burleigh of Somersworth.

Belknap County. Colbath, Kelley, Mansur.

Carroll County. Hill of Chatham, Thompson of Conway, Taylor of Effingham.

Merrimack County. Goodhue of Bow, Clough, Hutchins, Chandler, Rolfe, Aiken, Duston, Reynolds of Pittsfield.

Hillsborough County. Riddle, Whittemore, Pearson, Moore, Adams of Manchester, Chamberlain, Wadleigh, Wellman of Nashua, Davis of New Ipswich, Felt of Peterborough.

Cheshire County. Stearns, Buckminster, Felt of Sullivan, Clark of Walpole.

Sullivan County. Colby of Claremont.

Grafton County. Bailey of Alexandria, Sinclair, Batchelder of Bridgewater, Taylor of Bristol, Knight, Downs, Campbell of Woodstock and Lincoln.

Coos County. Harris of Colebrook, Plaisted, Folsom of Lancaster, McIntire, Ingalls, Aldrich.

On motion of Mr. Campbell,

Resolved, That those members of the House acting on Committees, or other members, absent at the roll call of the House this forenoon, shall have their names recorded as being present, upon satisfactory excuse to the House.

Mr. Campbell, of Amherst, from the Committee on Finance, to whom was referred sundry petitions in favor of the

State assuming the war indebtedness of the several towns and cities therein, reported the following resolution which was adopted :

Resolved, That the further consideration of the several petitions be postponed to the next sesssion of the Legislature.

Mr. Barton, of Newport, from the Committee on the Judiciary, to whom was referred a bill entitled An act regulating the counting of votes in certain cases, have considered the same, and report the accompanying resolution :

Resolved, That the bill be indefinitely postponed.

And the question being stated,

Shall the amendment be adopted ?

On this question the yeas and nays were demanded, were called, and were as follows :

Those who voted in the affirmative were Messrs.

Rockingham County. Preston, Ladd, Gilchrist, Crawford, Dimond, Adams of Derry, Eastman of Derry, Currier of East Kingston, Clifford, Robinson of Fremont, Weeks of Greenland, Moulton, Leavitt, Tilton, Marshall of Kingston, Platts, Dodge, Meloon, Stackpole, Willey, Hurd, Walker, Haven, Hackett, Yeaton, Woodbury, Weare, Currier of South Hampton, Paul, Emerson of Windham.

Strafford County. Young of Barrington, Drew of Barrington, Morrill, Bickford, Wheeler of Dover, Brewster, Jones of Durham, Parker of Farmington, Curtis, Austin of Madbury, Jones of Milton, Hall of Rochester, Horne, Hayes, Shackford, Gilman, Wakefield.

Belknap County. Bennett of Alton, Emerson of Alton, Kelley, Brown of Gilmanton, Weeks of Gilford, Robie of Gilford, Stewart.

Carroll County. Coleman of Brookfield, Blaisdell of Madison, Gould, Hubbard of Tamworth, Standley.

Merrimack County. Harris of Boscawen, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Sargent, Burleigh of Franklin, Nickelson, Bunker, Whit-house, Little of Webster.

Hillsborough County. Campbell of Amherst, Smith of Brookline, Hodge of Francestown, Greer, Kennedy, Greeley, Pike, Goodrich of Lyndeborough, Thayer, Hill of Manchester, Martin, Johnson, Gardner, Montgomery, Knowles, Mitchell, Whittle, Adams of Manchester, Parker of Merrimack, Sawyer of Milford, Wadleigh, Scripture, Saunders, Greenwood, Rockwood, Keyes, Story, Gove.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Amidon, Bailey of Jaffrey, Abbott, Lane of Keene, Gates, Barker, Willard, Mason of Marlborough, Buckminster, Holbrook, Farrar, Bates, Humphrey of Winchester, Perkins of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Briggs, Tracy, Wellman of Cornish, Humphrey of Croydon, Fowler, Slader, Barton, Wilcox.

Grafton County. Hibbard, Bartlett of Canaan, Follansbee, Clark of Enfield, Blood of Groton, Hubbard of Hanover, Kimball, Cotton of Haverhill, Smith of Holderness, Hughes, Bailey of Lebanon, Parker of Lisbon, Ash, Hoskins, Williams, Underhill, Rogers of Piermont, Marston, Shute.

Coos County. Cone, Legro.

Those who voted in the negative were Messrs.

Rockingham County. York, Coleman of Newington, Batchelder of Nottingham, Wendell, Prescott of Raymond, Perkins of Rye, Cotton of Sandown.

Strafford County. Bartlett of Lee, Leighton, Joy, Tuttle, Foss.

Belknap County. Dow of Barnstead, Reynolds of Centre Harbor, Burden, Dearborn, Prescott of Sanbornton, Folsom of Upper Gilmanton.

Carroll County. Ayers, Pitman, Eastman of Conway, Drew of Eaton, Bennett of Freedom, Hodge of Jackson, Warren, Roles, Hobbs, Blaisdell of Tuftonborough, Smith of Wakefield, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Lake, Doe, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Dana, Cate, Palmer, Calef, Watson, Harriman, Colby of Warner, Andrews.

Hillsborough County. Smith of Deering, Russell, Spaulding, McNeil, Coolidge, Baldwin, Little of Manchester, Connor, Bruce, Bailey of Nashua, Sawyer of Nashua, Cahill, Roby of Nashua, Fox, Sherburne, Taggart, Barrett, Emerson of Windsor.

Cheshire County. Chapin, Jones of Marlow, Weeks of Stoddard, Lombard, Starkey, Patten.

Sullivan County. Brewer, McLaughlin, Parker of Lempster, Rowell, Philbrick, Knowlton, Lewis, Gage.

Grafton County. Whitcher, Sinclair, Taylor of Bristol, Hodgman, Dean, Eaton, Smith of Enfield, Pease of Ellsworth and Waterville, Whitney, Quint, Dow of Hanover, Morse of Hebron, Mason of Hill, Knight, Bingham, Eastman of Littleton, Thurston, Quincy, Page of Thornton, Campbell of Woodstock and Lincoln.

Coos County. Young of Clarksville, Ruggles, Cole, Wright of Erroll, Tubbs of Gorham, Young of Stewartstown, Marshall of Stratford, Aldrich, Wheeler of Berlin.

Yeas 150 ; nays 112.

So the resolution was adopted.

Mr. Tubbs, of Peterborough, from the special committee to whom was referred the petition of Thomas Fiske and others, reported a bill entitled An act in addition to Chapter 2338 of the Pamphlet Laws, entitled An act concerning contagious diseases among cattle, which bill was read a first time.

Mr. Parker, of Farmington, moved that the bill be indefinitely postponed.

Which motion did not prevail.

On motion of Mr. Tubbs, of Peterborough, the rules were suspended, and the bill was read a second and third time.

Mr. Parker of Farmington, moved to amend the title by adding at the close thereof, "and dissemination of monomania and negrophobia among the members of this House."

Which amendment was rejected.

The bill then passed and was sent to the Senate.

The following message was received from His Excellency the Governor, by the hands of the Secretary of State:

EXECUTIVE DEPARTMENT. }
CONCORD, August 19, 1864. }

To the Honorable Senate and House of Representatives :

I have the honor to inform you that I have signed the Act to facilitate the raising of troops, actuated by the consideration that though not what I should desire, it is in some respects an improvement on the existing law. I shall do all in my power to carry its provisions into effective operation.

J. A. GILMORE.

Mr. Merriam, of Concord, presented the account of Charles H. Roberts, W. J. Robinson and W. S. Ring, which were severally referred to the Committee on Claims.

Mr. Wheeler, of Dover, introduced the following joint resolution, which was read a first and second time:

STATE OF NEW HAMPSHIRE.

In the year of our Lord one thousand eight hundred and sixty-four.

Resolved by the Senate and House of Representatives in General Court convened, That a sum not exceeding ten dollars per man, is hereby appropriated for the purpose of defraying the actual necessary expenses of raising five companies of Heavy Artillery in this State, as authorized by the war department, or any other companies or regiments which may be hereafter specially authorized by the war department, and the Governor is hereby authorized to draw his warrant upon the Treasury therefor.

On motion of Mr. Barton, the rules were suspended, and the resolution was read a third time, passed, and sent to the Senate for concurrence.

On motion of Mr. Johnson, of Manchester,

The House adjourned.

AFTERNOON.

The following message was received from the Senate by their Clerk:

Mr. Speaker—

The Senate concur with the House of Representatives in the passage of the following bills and joint resolutions:

An act for the preservation of fish in Profile Lake, Franconia Notch, N. H.;

Resolution relating to calling a constitutional convention;

Resolution relating to the reception of certain regiments;

Resolution in favor of Robert R. Corson and Frank E. Howe.

Mr. Walker, of Portsmouth, introduced the following joint resolution, which was read a first time:

Resolved by the Senate and House of Representatives in General Court convened, That the sum of eleven dollars and twenty-five cents be allowed Cogswell & Sturtevant, for furnishing the Senate with forty-five copies of the Daily Monitor during the present session, and that the same be paid from any money in the treasury not otherwise appropriated.

On motion of Mr. Parker, of Farmington, the resolution was laid upon the table.

On motion of Mr. Woodbury, of Salem,

Resolved, That the Clerk be directed to procure fifteen hundred printed copies of the Military Bill, as finally passed, and that the same be furnished to the members of the House.

Mr. Merriam, of Concord, from the Committee on Claims, reported the following joint resolution, which was read a first time:

Resolved by the Senate and House of Representatives in General Court convened, That Charles H. Roberts be allowed forty-six dollars and fifty cents (\$46.50) in full for his services as Sergeant-at-arms; that Wesley J. Robinson be allowed thirty dollars and twenty cents (\$30.20), and that William S. Ring be allowed thirty-six dollars and fifty cents, in full for their services as door-keepers of the House during the present session, and that the Governor is authorized to draw his warrant on the treasury for that amount, and that the same be paid out of any money in the treasury not otherwise appropriated.

On motion of Mr. Barton, the rules were suspended, and the resolution was read a second and third time, passed, and sent to the Senate for concurrence.

Mr. Cate, of Northfield, introduced the following joint resolutions, which were read a first and second time:

Resolved, by the Senate and House of Representatives in General Court convened:

1. That it is the sense of this Legislature that the people of this State earnestly desire the re-establishment of peace, as soon as it can be honorably obtained.
2. That in view of the unparalleled prosperity of our whole country, prior and up to the time of the commencement of the present rebellion and the present melancholy condition thereof, we do declare our solemn conviction that the people of this State are ready and willing to accept as a settlement of our national difficulties, the Constitution and Union as our fathers gave them to us.
3. That this Legislature, in the name of the people of the

State—one of the “ Old Thirteen ”—does most earnestly declare to the President of the United States, that we believe it to be his duty to embrace the first opportunity, and every opportunity which may occur, or which he can procure by honorable means, to obtain such settlement.

4. That the Secretary of State be requested to forward a copy of these resolutions to the President of the United States, and to each of our Senators and Members in Congress.

Mr. Bingham moved that the rules be so far suspended that the resolution be read a third time, which motion did not prevail.

[Mr. Saunders, of Nashua, in the Chair.]

Mr. Bailey, of Nashua, moved that the resolutions be laid upon the table, and made the special order for this evening at 8 o'clock.

On this question the yeas and nays were demanded, were called, and were as follows:

Those who voted in the affirmative were Messrs.

Rockingham County. York, Coleman of Newington, Batchelder of Newton, Batchelder of Nottingham, Odiorne, Wendell, Perkins of Rye, Cotton of Sandown.

Strafford County. Joy, Tuttle, Foss.

Belknap County. Dow of Barnstead, Colbath, Dearborn, Prescott of Sanbornton, Folsom of Upper Gilmanton.

Carroll County. Ayers, Pitman, Eastman of Conway, Drew of Eaton, Bennett of Freedom, Hodge of Jackson, Warren, Roles, Hobbs, Blaisdell of Tuftonborough, Smith of Wakefield, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Clough, Lake, Hutchins, Doe, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Dana, Cate, Palmer, Calef, Watson, Harriman, Colby of Warner, Andrews.

Hillsborough County. Smith of Deering, Russell, McNeil, Baldwin, Moore Little of Manchester, Connor, Bruce, Bailey of Nashua, Roby of Nashua, Fox, Sherburne, Taggart, Barrett, Emerson of Windsor.

Cheshire County. Chapin, Jones of Marlow, Weeks of Stoddard, Lombard, Starkey, Patten.

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Sullivan County. Parker of Lempster, Rowell, Philbrook, Knowlton, Lewis, Gage.

Grafton County. Whitcher, Sinclair, Hodgman, Dean, Eaton, Pease of Ellsworth and Waterville, Whitney, Quint, Morse of Hebron, Knight, Bingham, Eastman of Littleton, Quincy, Page of Thornton, Page of Warren, Campbell of Woodstock and Lincoln.

Coos County. Young of Clarksville, Ruggles, Cole, Wright of Erroll, Tubbs of Gorham, Young of Stewartstown, Marshall of Stratford, Wheeler of Berlin.

Those who voted in the negative were Messrs.

Rockingham County. Preston, Ladd, Gilchrist, Crawford, Dimond, Eastman of Derry, Clifford, Weeks of Greenland, Moulton, Leavitt, Tilton, Marshall of Kingston, Platts, Meloon, Stackpole, Creighton, Willey, Hurd Walker, Haven, Hackett, Woodbury, Weare, Currier of South Hampton, Paul, French, Emerson of Windham.

Strafford County. Young of Barrington, Drew of Barrington, Morrill, Bickford, Wheeler of Dover, Brewster, Parker of Farmington, Curtis, Austin of Madbury, Jones of Milton, Hall of Rochester, Horne, Shackford, Gilman, Wakefield.

Belknap County. Bennett of Alton, Emerson of Alton, Kelley, Brown of Gilmanton, Weeks of Gilford, Robie of Gilford, Wiggin, Burden.

Carroll County. Gould, Standley.

Merrimack County. Harris of Boscawen, Merriam, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Sargent, Burleigh of Franklin, Nickelson, Bunker, Whitehouse, Little of Webster.

Hillsborough County. Campbell of Amherst, True, Riddle, Smith of Brookline, Hodge of Francetown, Greer, Kennedy, Greeley, Pike, Goodrich of Lyndeborough, Pulsifer, Montgomery, Whittle, Parker of Merrimack, Sawyer of Milford, Wadleigh, Scripture, Greenwood, Rockwood, Tubbs of Peterborough, Keyes, Story, Gove.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Amidon, Bailey of Jaffrey, Abbott, Lane of Keene, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Buckminster, Farrar, Bates, Perkins of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Brewer, Briggs, Tracy, Wellman of Cornish, Humphrey of Croydon, Fowler, Slader, Barton.

Grafton County. Hibbard, Bartlett of Canaan, Follansbee, Smith of Enfield, Clark of Enfield, Blood of Groton, Hubbard of Hanover, Kimball, Smith of Holderness, Hughes, Downs, Parker of Lisbon, Ash, Hoskins, Thurston, Williams, Underhill, Rogers, of Piermont, Shute.

Coos County. Cone, Legro.

Yeas, 102; Nays, 138.

So the motion did not prevail.

Mr. Sinclair, of Bethlehem, moved that the resolutions be referred to a select committee consisting of Messrs. Wheeler of Dover, Rolfe of Concord and Cate of Northfield, with instructions to report thereon during the session of the House to-morrow morning.

And the question being stated,

Shall the motion prevail?

On this question the yeas and nays were demanded, were called, and were as follows:

Those who voted in the affirmative were Messrs.

Rockingham County. York, Coleman of Newington, Batchelder of Newton, Batchelder of Nottingham, Odiorne, Wendell.

Strafford County. Bartlett of Lee, Joy, Tuttle, Foss.

Belknap County. Dow of Barnstead, Colbath, Dearborn, Prescott of Sanborn, Folsom of Upper Gilmanton.

Carroll County. Ayers, Pitman, Bennett of Freedom, Hodge of Jackson, Warren, Roles, Hobbs, Blaisdell of Tuftonborough, Smith of Wakefield, Rogers of Wolfborough.

Merrimack County. Pease of Allenstown, Swett, Harris of Boscawen, Goodhue of Bow, Sawyer of Bradford, Clough, Lake, Hutchins, Farnum, Doe, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Dana, Cate, Palmer, Calef, Watson, Harriman, Colby of Warner, Andrews.

Hillsborough County. Smith of Deering, Russell, Spaulding, McNeil, Coolidge, Baldwin, Little of Manchester, Connor, Bruce, Cahill, Roby of Nashua, Fox, Taggart, Barrett, Emerson of Windsor.

Cheshire County. Chapin, Weeks of Stoddard, Lombard, Starkey, Paten.

Sullivan County. Rowell, Philbrick, Knowlton, Gage.

Grafton County. Whitcher, Sinclair, Hodgman, Dean, Eaton, Pease of Ellsworth and Waterville, Whitney, Quint, Morse of Hebron, Knight, Bingham, Eastman of Littleton, Quincy, Page of Thornton, Page of Warren, Campbell of Woodstock and Lincoln.

Coos County. Young of Clarksville, Cole, Wright of Erroll, Young of Stewartstown, Marshall of Stratford, Wheeler of Berlin.

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Those who voted in the negative were Messrs.

Rockingham County. Gilchrist, Crawford, Eastman of Derry, Weeks of Greenland, Leavitt, Tilton, Platts, Meloon, Stackpole, Creighton, Willey, Walker, Haven, Hackett, Woodbury, Weare, Paul, French, Emerson of Windham.

Strafford County. Young of Barrington, Wyatt, Morrill, Bickford, Brewster, Parker of Farmington, Curtis, Austin of Madbury, Jones of Milton, Hall of Rochester, Gilman, Wakefield.

Belknap County. Emerson of Alton, Kelley, Weeks of Gilford, Robie of Gilford, Burden.

Carroll County. Blaisdell of Madison, Gould, Standley.

Merrimack County. Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Sargent, Burleigh of Franklin, Nickelson, Bunker, Whitehouse.

Hillsborough County. Campbell of Amherst, True, Smith of Brookline, Hodge of Francestown, Greer, Kennedy, Pike, Goodrich of Lyndeborough, Johnson, Montgomery, Whittle, Adams of Manchester, Parker of Merrimack, Sawyer of Milford, Wadleigh, Scripture, Greenwood, Rockwood, Tubbs of Peterborough, Keyes, Story, Gove.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Amidon, Bailey of Jaffrey, Abbott, Lane of Keene, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Buckminster, Farrar, Bates, Perkins of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Brewer, Briggs, Tracy, Humphrey of Croydon, Fowler, Slader, Barton.

Grafton County. Hibbard, Bartlett of Canaan, Follansbee, Smith of Enfield, Clark of Enfield, Hubbard of Hanover, Dow of Hanover, Kimball, Smith of Holderness, Downs, Ash, Williams, Rogers of Piermont, Marston, Shute.

Coos County. Cone, Washburn.

Yeas, 93; nays, 114.

So the motion did not prevail.

On motion of Mr. Weeks, of Greenland,

Resolved, That the resolutions on National Affairs, introduced by the gentleman from Northfield, Mr. Cate, be referred to the Judiciary Committee.

[The Speaker in the Chair.]

On motion of Mr. Bingham,

Resolved, That the Committee to which has been referred the resolutions introduced by Mr. Cate, be instructed to report thereon in season for a discussion in this House, of their report at the present session.

Mr. Perkins, of Winchester, from the Committee on Retrenchment and Reform, to whom was referred the resolution in relation to the pay of the Chaplain, reported the same without amendment, and the resolution was ordered to a third reading.

On motion of Mr. Perkins, the rules were suspended and the resolution was read a third time, passed, and sent to the Senate for concurrence.

Mr. Perkins, from the same committee, to which was referred the resolution relating to the pay of members of the Honorable Senate and House of Representatives, reported the following resolution:

Resolved, That the whole matter be indefinitely postponed.

Mr. Chapin, from the minority of the same committee on the same subject, reported in favor of the passage of the resolution without amendment.

And the question being stated,

Shall the resolution reported by the minority of the committee be adopted?

On this question the yeas and nays were called, and were as follows:

Those who voted in the affirmative were Messrs.

Rockingham County. Dow of Atkinson, Ladd, Gilchrist, Crawford, Diamond, Currier of East Kingston, Marshall of Kingston, Dodge, Stackpole, Walker, Haven, Hackett, Woodbury, Currier of South Hampton, Paul, French.

Strafford County. Wyatt, Bickford, Brewster, Parker of Farmington, Austin of Madbury, Jones of Milton, Hall of Rochester, Horne, Gilman, Wakefield.

Belknap County. Brown of Gilmanton, Robie of Gilford,

Carroll County. Blaisdell of Madison, Gould.

Merrimack County. Harris of Boscawen, Farnum, Page of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Sargent, Burleigh of Franklin, Whitehouse.

Hillsborough County. Campbell of Amherst, Hodge of Francestown, Greer, Kennedy, Pike, Goodrich of Lyndeborough, Pulsifer, Clarke of Manchester, Johnson, Moore, Knowles, Mitchell, Wadleigh, Scripture, Saunders, Tubbs of Peterborough, Keyes, Story.

Cheshire County. Goodrich of Chesterfield, Amidon, Abbott, Lane of Keene, Goodhue of Nelson, Perkins of Winchester.

Sullivan County. Hubbard of Charlestown, Brewer, Tracy, Wellman of Cornish, Humphrey of Croydon, Barton.

Grafton County. Bartlett of Canaan, Follansbee, Blood, Hubbard of Hanover, Dow of Hanover, Downs, Parker of Lisbon, Hoskins, Thurston, Rogers of Piermont, Marston.

Coos County. Cone.

Those who voted in the negative were Messrs.

Rockingham County. Weeks of Greenland, Moulton, Leavitt, Tilton, Platts, Meloon, Colman of Newington, Creighton, Batchelder of Nottingham, Odiorne, Wendell, Perkins of Rye, Cotton of Sandown.

Strafford County. Young of Barrington, Morrill, Curtis, Bartlett of Lee, Leighton, Joy, Tuttle, Foss.

Belknap County. Emerson of Alton, Dow of Barnstead, Colbath, Reynolds of Center Harbor, Burden, Dearborn, Prescott of Sanbornton, Folson of Upper Gilmanton.

Carroll County. Ayers, Pitman, Eastman of Conway, Bennett of Freedom, Hodge of Jackson, Warren, Roles, Hobbs, Blaisdell of Tuftonborough, Smith of Wakefield, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Clough, Elwell, Doe, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Dana, Bunker, Cate, Palmer, Calef, Watson, Harriman, Colby of Warner, Little of Webster, Andrews.

Hillsborough County. True, Smith of Deering, Spaulding, McNeil, Coolidge, Hill of Manchester, Montgomery, Little of Manchester, Conner, Whittle, Adams of Manchester, Parker of Merrimack, Sawyer of Milford, Bruce, Bailey of Nashua, Cahill, Rockwood, Roby of Nashua, Fox, Sherburne, Taggart, Gove, Barrett.

Cheshire County. Cooke, Smith of Dublin, Chapin, Barker, Willard, Mason of Marlborough, Jones of Marlow, Buckminster, Weeks of Stoddard, Lombard, Starkey, Farrar, Patten.

Sullivan County. Prentiss, Briggs, Slader, Parker of Lempster, Rowell, Knowlton, Gage.

Grafton County. Hibbard, Whitchee, Sinclair, Hodgman, Dean, Eaton, Smith of Enfield, Pease of Ellsworth and Waterville, Whitney, Quint, Morse of Hebron, Knight, Ash, Bingham, Eastman of Littleton, Williams, Shute, Quincy, Page of Thornton, Page of Warren, Campbell of Woodstock and Lincoln.

Coos County. Young of Clarksville, Ruggles, Cole, Wright of Erroll, Tubbs of Gorham, Washburn, Young of Stewartstown, Marshall of Stratford, Aldrich, Wheeler.

Yeas 85; nays 137.

And the resolution was rejected.

The resolution was then ordered to a third reading.

On motion of Mr. Washburn, of Pittsburg, the rules of the House were suspended and the resolution was read a third time.

And the question being stated,

Shall the resolution pass?

It was decided in the affirmative by the following vote:

Those who voted in the affirmative were Messrs.

Rockingham County. Dow of Atkinson, Moulton, Leavitt, Tilton, York, Coleman of Newington, Creighton, Batchelder of Nottingham, Odiorne, Wendell, Perkins of Rye, Cotton of Sandown, French.

Strafford County. Young of Barrington, Morrill, Bartlett of Lee, Leighton, Joy, Tuttle, Foss.

Belknap County. Emerson of Alton, Dow of Barnstead, Colbath, Reynolds of Centre Harbor, Brown of Gilmanton, Burden, Dearborn, Prescott of Sanbornton, Folsom of Upper Gilmanton.

Carroll County. Ayers, Pitman, Eastman of Conway, Bennett of Freedom, Hodge of Jackson, Warren, Hobbs, Blaisdell of Tuftonborough, Smith of Wakefield, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Lake, Hutchins. Elwell, Doe, Putney, Bailey of Hopkinton, Batchelder of Loudon, Dana, Bunker, Cate, Palmer, Calef, Watson, Harrimar, Colby of Warner, Andrews.

Hillsborough County. True, Smith of Deering, Hodge of Francetown, Spaulding, McNeil, Coolidge, Baldwin, Greeley, Hill of Manchester, Montgomery, Little of Manchester, Connor, Whittle, Adams of Manchester, Parker of Merrimack, Bruce, Bailey of Nashua, Cahill, Rockwood, Roby of Nashua, Fox, Sherburne, Taggart, Barrett, Emerson of Windsor.

Cheshire County. Cooke, Smith of Dublin, Chapin, Bailey of Jaffrey, Barker, Mason of Marlborough, Jones of Marlow, Weeks of Stoddard, Lombard, Starkey, Farrar, Patten.

Sullivan County. Wellman of Cornish, Slader, Parker of Lempster, Rowell, Philbrick, Knowlton, Lewis, Gage.

Grafton County. Whitcher, Sinclair, Hodgman, Dean, Eaton, Smith of Enfield, Clark of Enfield, Pease of Ellsworth and Waterville, Whitney, Quint, Morse of Hebron, Knight, Bingham, Eastman of Littleton, Williams, Rogers, of Piermont, Shute, Quincy, Page of Thornton, Page of Warren.

Coos County. Wheeler of Berlin, Young of Clarksville, Ruggles, Cole, Wright of Erroll, Tubbs of Gorham, Washburn, Young of Stewartstown, Marshall of Stratford.

Those who voted in the negative were Messrs.

Rockingham County. Ladd, Gilchrist, Crawford, Dimond, Eastman of Derry, Currier of East Kingston, Marshall of Kingston, Dodge, Meloon, Stackpole, Walker, Hackett, Woodbury, Weare, Paul.

Strafford County. Bickford, Wheeler of Dover, Brewster, Parker of Farmington, Austin of Madbury, Jones of Milton, Hall of Rochester, Gilman Wakefield.

Belknap County. Kelley, Robie of Gilford, Wigin.

Carroll County. Blaisdell of Madison, Gould, Hubbard of Tamworth.

Merrimack County. Harris of Boscawen, Farnum, Paige of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Sargent, Burleigh of Franklin, Nickelson, Whitehouse, Little of Webster.

Hillsborough County. Campbell of Amherst, Greer, Kennedy, Pike, Pulsifer, Johnson, Moore, Knowles, Mitchell, Sawyer of Milford, Wadleigh, Scripture, Saunders, Sawyer of Nashua, Greenwood, Tubbs of Peterborough, Keyes.

Cheshire County. Goodrich of Chesterfield, Amidon, Lane of Keene, Goodhue of Nelson, Perkins of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Tracy, Humphrey of Croydon, Barton, Wilcox.

Grafton County. Hibbard, Bartlett of Canaan, Follansbee, Blood, Hubbard of Hanover, Dow of Hanover, Downs, Parker of Lisbon, Ash, Hoskins Thurston, Marston, Campbell of Woodstock and Lincoln.

Coos County. Cone.

Yeas 135; nays 84.

Mr. Rolfe, from the committee on Railroads, to which was referred a resolution instructing said committee to enquire

what progress has been made in building the railroad from Keene to Manchester, reported that although a large number of petitions, numerously signed by citizens from Hinsdale, in the extreme south-western part of the State, and Portsmouth, in the south-eastern part, praying for an act of incorporation had been presented, and great interest was felt in the building of said railroad, especially by the people of Manchester, up to the time of the settlement of the State House question, the committee are entirely unable to ascertain that any steps have been taken or any progress made in the laying and construction of said railroad, and that in the opinion of the committee there is no reasonable expectation that said road will be open for public travel on or before the beginning of the session of the Legislature in June, 1865. The committee, in view of all the facts and circumstances of the case, although with much regret, are compelled to report that the people along the line of said contemplated road will be compelled to forego the advantages of a railroad for at least another year, and the members from Keene and adjoining towns will, at great inconvenience, be compelled to return to their homes after the business duties of this session of the Legislature are ended, by the old and accustomed routes of travel.

On motion of Mr. Adams, of Manchester, the report and subject matter thereof, was indefinitely postponed.

On motion of Mr. Hill, of Manchester,

Resolved, That when the House adjourn this afternoon, it adjourn to meet at 8 o'clock this evening.

On motion of Mr. Hill, of Manchester,

The House adjourned.

EVENING SESSION.

The House was called to order at 8 o'clock.

[Mr. Little, of Manchester, in the Chair.]

On motion of Mr. Adams, of Manchester, the joint resolution in favor of Cogswell & Sturtevant was taken from the table.

Mr. Smith, of Deering moved that the resolution be indefinitely postponed.

On this question the yeas and nays were demanded, were called and were as follows:

Those who voted in the affirmative were Messrs.

Rockingham County. Preston, Gilchrist, Weeks of Greenland, Moulton, Stackpole, Creighton, Hurd, Odiorne, Wendell, Perkins of Rye, Leavitt, Tilton, Dodge, Cotton of Sandown, French.

Strafford County. Drew of Barrington, Morrill, Curtis, Bartlett of Lee Jones of Milton, Joy, Shackford, Wakefield, Tuttle, Foss.

Belknap County. Bennett of Alton, Dow of Barnstead, Reynolds of Center Harbor, Weeks of Gilford, Dearborn, Prescott of Sanbornton, Folsom of Upper Gilmanton.

Carroll County. Ayers, Drew of Eaton, Hodge of Jackson, Blaisdell of Madison, Hobbs, Blaisdell of Tuftonborough, Smith of Wakefield, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Lake, Paige of Concord, Rolfe, Webster, Doe, Nickelson, Batchelder of Loudon, Dana, Bunker, Cate, Palmer, Watson.

Hillsborough County. True, Whittemore, Smith of Deering, Hodge of Francestown, Greer, Spaulding, McNeil, Baldwin, Greeley, Pike, Mitchell, Sawyer of Milford, Bruce, Bailey of Nashua, Saunders Rockwood, Roby of Nashua, Fox, Sherburne, Tubbs of Peterborough, Taggart, Story, Emerson of Windsor.

Cheshire County. Goodrich of Chesterfield, Whitcomb, Chapin, Bailey of Jaffrey, Lane of Keene, Jones of Marlow, Weeks of Stoddard, Lombard, Starkey, Patten.

Sullivan County. Hubbard of Charlestown, Brewer, Briggs, Tracy, Humphrey of Croydon, Fowler, Slader, Parker of Lempster, Barton, Wilcox, Rowell, Philbrick, Knowlton, Lewis, Gage.

Grafton County. Whitcher, Sinclair, Bartlett of Canaan, Follansbee, Smith of Enfield, Clark of Enfield, Pease of Ellsworth and Waterville, Whitney, Quint, Blood, Dow of Hanover, Morse of Hebron, Smith of Holderness, Knight, Bingham, Eastman of Littleton, Williams, Underhill, Shute, Quincy, Page of Warren.

Coos County. Young of Clarksville, Ruggles, Wright of Erroll, Legro, Young of Stewartstown, Marshall of Stratford.

Those who voted in the negative were Messrs.

Rockingham County. Ladd, Crawford, York, Coleman of Newington, Willey, Walker, Haven, Weare, Paul, Emerson of Windham.

Strafford County. Young of Barrington, Wyatt, Bickford, Brewster, Horne.

Belknap County. Colbath, Kelley, Brown of Gilmanton, Robie of Gilford.

Carroll County. Pitman, Bennett of Freedom, Roles, Standley.

Merrimack County. Aiken, Whitehouse.

Hillsborough County. Clarke of Manchester, Moore, Adams of Manchester, Wadleigh, Greenwood.

Cheshire County. Smith of Dublin, Barker, Mason of Marlborough, Goodhue of Nelson, Perkins of Winchester.

Grafton County. Rogers of Piermont, Page of Thornton.

Coos County. Cone, Plaisted, Washburn.

Yeas 134; nays 40.

So the resolution was indefinitely postponed.

The following resolution was introduced by Mr. Smith, of Deering, and on motion of Mr. Parker, of Farmington, was referred to the Committee on the Insane Asylum:

Resolved, That in view of the indefinite postponement of the resolution paying for the newspapers taken by the Honorable Senate, the Sergeant-at-arms be directed to pass round the contribution box to raise the sum of \$11.25 to pay for said paper, the House not desiring in any way to impoverish the Honorable Senate, notwithstanding said Senate put such slight value upon the services of members of the House.

The following message was received from the Senate by their Clerk:

Mr. Speaker:

The Senate have indefinitely postponed the House resolution in favor of three dollars per day.

The Senate have passed the House resolution in favor of Rev. B. F. Bowles, with the accompanying amendment, in the adoption of which the concurrence of the House of Representatives is requested.

Amend by adding at the close of the resolution, "and that Cogswell & Sturtevant be allowed eleven dollars and twenty-five cents in full for their account, and that the same be paid out of any money in the treasury not otherwise appropriated, and the Governor be authorized to draw his warrant therefor."

The House refuse to concur with the Senate in the adoption of the amendment proposed to the joint resolution in favor of B. F. Bowles.

[The Speaker in the Chair.]

Mr. Saunders, of Nashua, introduced the following joint resolution, which was read a first time:

THE STATE OF NEW HAMPSHIRE.

In the year of our Lord one thousand eight hundred and sixty-four.

Be it enacted by the Senate and House of Representatives in General Court convened, That Albert P. Davis be allowed the sum of thirty-eight dollars and fifty cents (\$38,50) in full for his services as door-keeper to the Senate, special session, August, 1864.

On motion of Mr. Witcher, of Benton, the rules were suspended, the resolution was read a second and third time, passed, and sent to the Senate for concurrence.

Mr. Page, of Warren, introduced the following joint resolution, which was read a first and second time:

Be it resolved by the Senate and House of Representatives in General Court convened, That His Excellency the Governor be requested to cause the payment of any and all bounties, heretofore assigned by members of the 1st N. H. Cavalry, said assignments having first been duly approved by the auditor of accounts.

On motion of Mr. Page, of Warren, the rules were suspended and the resolution was read a third time, passed, and sent to the Senate.

Mr. Washburn, of Pittsburg, introduced the following joint resolution, which was read a first and second time and referred on motion of Mr. Barton, to the Committee on the Raising of Troops :

Resolved by the Senate and House of Representatives in General Court convened, That His Excellency the Governor be, and hereby is authorized to pay to every drafted man who has been accepted and gone into the service of the United States, to fill the quota of any town in this State, or who has furnished a substitute, the sum of three hundred dollars; *Provided* the valuation of said drafted man's estate in the town from which he was drafted, did not, on the first day of April, 1864, exceed the sum of twelve hundred dollars; the same to be paid out of any money in the treasury not otherwise appropriated upon the certificate of the town clerk of the town from which such said drafted man shall have gone, of the amount of his inventory, April 1st, 1864.

The following message was received from the Senate by their Clerk :

Mr. Speaker—

The Senate concur with the House of Representatives in the passage of the following bills and joint resolutions :

An act in addition to Chapter 2338 of the Pamphlet Laws, entitled An act concerning contagious diseases among cattle;

Resolution relating to five companies of Artillery;

Resolution in favor of C. H. Roberts and others.

The Senate have passed a bill entitled An act in relation to the assignment of bounties, in the passage of which they ask the concurrence of the House of Representatives.

The Senate insist upon their amendment to the House resolution in favor of Rev. B. F. Bowles.

The House refused to recede from their action in relation to the joint resolution in favor of B. F. Bowles.

Mr. Perkins, of Winchester, moved that a Committee of

Conference, be appointed on the part of the House with such as the Senate may join, to confer upon the subject matter of the amendment, which motion prevailed, and Messrs. Bingham, of Littleton, Smith, of Deering, and French, of Strat-ham, were appointed said committee on the part of the House.

The Joint Special Committee who were instructed to investigate the subject of the non-payment of the State bounties to the members of the First New Hampshire Cavalry, to inquire what assignments have been made of said bounties, and by what authority, whether or not any money of the State has been used for the purpose of purchasing such assignments, and whether or not any legislation is necessary to prevent imposition upon the soldiers of the First New Hampshire Cavalry,—reported that for several days there has been in the treasury the sum of \$75,000 to pay the bounties due the First New Hampshire Cavalry, and the reason the companies now in camp have not left for the seat of war is because they have not received their bounties, and your committee are informed by the Governor and Council that the delay of payment arises from the want of funds. It appeared in evidence before your committee that John Lindsey, of Concord, holds ninety-nine assignments purchased at a cost to him of \$25.625, but that in many instances the negotiation was conducted through the aid of some third person who deducted his commission from the amount paid by Lindsey.

That George W. Riddle, of Bedford, holds thirty-nine similar assignments costing him about \$9,500. There was evidence that other parties held assignments to some extent, but no one else held so many as the two above named.

Your committee are not able to state the whole number of assignments which have been made. From evidence before them and from investigations made, they are of opinion that the right to assign is liable to abuse and exposes the State as well as towns and those who furnish substitutes and take assignments at the time the man enlists paying full value therefor, to great loss and trouble; they therefore report the accompanying bill, and recommend its passage.

Your committee would further state that while there were many circumstances calculated to excite strong suspicions that the funds of the State were being used in the purchase

of assignments, your committee are happy to state that upon a full examination, the State Treasurer was able to explain them all and that upon the evidence before them no funds of the State have been used for this purpose.

DANIEL BLAISDELL, } *On the part of*
CHARLES J. SMITH, } *the Senate.*

SAMUEL B. PAGE, } *On the part of*
OLIVER WYATT, } *the House.*
STEPHEN G. CLARKE, }

The Senate bill entitled An act for the assignment of bounties was then read a first and second time.

On motion of Mr. Page, of Warren, the rules were suspended, the bill was read a third time and passed in concurrence.

Mr. Hackett, of Portsmouth, introduced the following joint resolution, which was read a first and second time:

STATE OF NEW HAMPSHIRE.

In the year of our Lord one thousand eight hundred and sixty-four.

Resolved by the Senate and House of Representatives in General Court convened, That there be allowed to the Clerk of the House of Representatives for the special session of the Legislature, for all services performed by him at said session, and all duties attendant thereon, including attendance, travel, preparing two copies of his journal, and for indexing the same—one half of the amount which is allowed by law for like services at the June session of the Legislature; and that the Clerk of the Senate shall receive for all services by him performed and appertaining to his office, one half of the same allowed by law for like services at the June session; and that the same be paid out of any money in the treasury not otherwise appropriated.

On motion of Mr. Bingham, of Littleton, the rules were suspended, and the joint resolution was read a third time, passed, and sent to the Senate for concurrence.

The following report from the Committee on the Judiciary was laid before the House:

The Committee on the Judiciary, to whom was referred the resolutions on National Affairs, have considered the same, and report the resolutions in a new draft and recommend their passage.

LEVI W. BARTON,
A. W. SAWYER,
STEPHEN G. CLARKE,
SAM'L M. WHEELER,
WM. H. HACKETT,
THOMAS LEAVITT.

Resolved by the Senate and House of Representatives in General Court convened:

That the people of this State earnestly desire an honorable peace, but they regard as honorable or desirable such a peace only as is based upon a final settlement and determination of the causes of strife; which restores the Union, and reinstates over the entire territory of the country the supremacy of the laws and Constitution of the United States, and that opposing concession to, or compromise with rebels in arms, New Hampshire pledges again her entire resources in aid of a continued prosecution of the present war for the integrity of the Union until such a peace be obtained.

2. *Resolved*, That we endorse the policy of emancipating the slaves of rebels, and the employment of negro troops in the armies of the Union upon an equality as to pay and bounty with other soldiers.

3. *Resolved*, That as a means of securing future peace, and union we are in favor of amending the Constitution of the United States so as to abolish the system of negro slavery.

4. *Resolved*, That under God to the army and navy we owe the preservation of national life, and with confidence we rest our hopes of the future upon the well-tried valor and constancy of the soldiers and sailors of the Union, who have devoted their lives to the service of our common country;—we tender to them our warmest gratitude and thanks, assure them of our cordial support, and pledge our utmost endeavor to supply their every want, alleviate their every suffering, and to cherish and protect the families they have entrusted to our care.

The following further report was submitted by the minority of the same committee.

The undersigned, a minority of the Committee on the Judiciary, to whom was referred the resolutions of the member from Northfield, Mr. Cate, dissenting from the report of the majority of said committee, after having considered said resolutions, respectfully report the same and recommend their passage.

HARRY BINGHAM,
JOHN G. SINCLAIR.

The resolutions reported by the majority of the committee were read a first time and ordered to a second reading.

On motion of Mr. Dodge, of Londonderry, the House adjourned to meet to-morrow morning at 8 o'clock.

SATURDAY, August 20, 1864.

On motion of Mr. Morrill, of Dover, the rules were suspended, and the reading of the journal of yesterday was omitted.

Mr. Emerson, of Windham, from the Joint Committee on Engrossed Bills, reported that they had carefully examined the following bills and resolutions and found them carefully engrossed, viz.:

An act in relation to counting the votes for Electors of President and Vice President and for Representatives in Congress;

Resolution in favor of Robert R. Corson and Frank E. Howe;

Resolution relating to the reception of certain New Hampshire regiments;

An act for the preservation of fish in Profile Lake;

Joint resolution for calling a constitutional convention;

Joint resolution relating to five companies of artillery;

Resolution in favor of C. H. Roberts, W. S. Ring and W. J. Robinson;

An act in addition to chapter 2338 of Pamphlet Laws, entitled An act concerning contagious diseases among cattle.

Saturday, August 20, 1864.

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The following message was received from His Excellency the Governor:

COUNCIL CHAMBER, August 20, 1864.

To the Honorable Senate and House of Representatives:

I feel that it is necessary, even at this late day, to call your attention to the suggestion made in my message, at the opening of this session, that the State Treasurer should be empowered by law to call upon the banks of the State for the temporary loan of a reasonable percentage of their capital.

If, in the enactment of a law of this nature, a provision should be introduced allowing the banks to temporarily expand their circulation, all inconvenience to them would be obviated, and the State might secure at six per cent. from her own citizens what money she needs. In this State a bank can only issue bills to an amount equal to its capital stock, while in many neighboring States a circulation largely in excess of the bank capital is sanctioned by law. Such an increase of circulation might, for a time at least, be authorized in this State without risk, and the banks could then accommodate the State Treasury with a temporary loan.

I do not make this suggestion from any wish to carry out a preconceived theory. The joint resolution providing for a temporary loan, which has been passed by your Honorable body and received my signature, meets my hearty approval. I should prefer to rely on some such method of raising money, if it will not subject the State to excessive expense and tedious delays. But I desire to have some method devised as an alternative to which we can resort in case of emergencies, which are not unlikely to occur — emergencies, I might say, which exist at the present time. I found it impossible yesterday to borrow a single dollar of the banks of this city, with which to pay the bounties of the 1st New Hampshire Cavalry, although I requested no more than the loan of \$50,000 for three days. There is at this time not one cent in the State Treasury with which to complete the payment of these bounties, and honor the pay rolls of the Senate and House. I have sent messengers to Bos-

ton and Manchester to secure if possible the needed funds; but I can not help feeling that it is desirable to enable, and if necessary, to compel our banks to accommodate the State which charters them.

J. A. GILMORE.

On motion of Mr. Hackett, of Portsmouth, the message was referred to the Committee on Finance.

The following message was received from the Senate by their Clerk;

Mr. Speaker—

The Senate concur in the appointment of a Committee of Conference in relation to the resolution in favor of B. F. Bowles, and join on their part Senators Fisk, Harris and Burnham.

The Senate concur in the passage of the House resolution in favor of the clerks of the Senate and House of Representatives.

Mr. Walker, of Portsmouth, introduced the following resolution, which was rejected:

Resolved, That the clerk be instructed to immediately procure fifteen hundred copies additional to those heretofore ordered of the Act to facilitate the raising of troops, for the use of the House.

Mr. Rolfe, of Concord, from the Committee on Railroads, to whom was referred the bill entitled An act to regulate the rates of fares and tolls upon railroads, reported the following resolution which was adopted:

Resolved, That in the present condition of the currency it is inexpedient to legislate upon the subject, and that said bill be indefinitely postponed.

Mr. Wheeler, of Dover, introduced the following joint resolution, which was read a first time:

Resolved by the Senate and House of Representatives in General Court convened, That the Secretary of State be authorized to procure the printing of 1500 copies of the Act to facilitate the raising of troops for the use of the State.

Tuesday, August 23, 1864.

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On motion of Mr. Wheeler, the rules were suspended, the second and third readings were omitted, and the resolution passed and was sent to the Senate, for concurrence.

On motion of Mr. Coleman, of Newington,

Resolved, That when the House adjourn this forenoon, it adjourn to meet on Tuesday next, at 11 o'clock, in the forenoon.

On motion of Mr. Weeks, of Greenland,

The House adjourned.

ATTEST—

EDW. SAWYER,

Clerk, *pro tem*.

TUESDAY, August 23, 1864.

The journal of Saturday, was read and approved.

On motion of Mr. Campbell, of Amherst,

Resolved, That the special Committee on Finance have leave to sit during the session of the House this forenoon.

By leave, Mr. Wheeler, of Dover, introduced a bill entitled An act in addition to An act to facilitate the raising of troops, approved August 19th, 1864, which was read a first and second time and referred to the Committee on the Judiciary.

On motion of Mr. Wheeler, of Dover, the rules were suspended and the bill was read a third time, passed and sent to the Senate for concurrence.

Mr. Lewis, of Unity, presented the petition of Gilbert Lewis and other citizens of Unity, praying for the passage of resolutions setting forth a desire for a speedy and honorable peace, which was referred to the Committee on the Judiciary.

On motion of Mr. Merriam, of Concord,

The House adjourned.

AFTERNOON.

Mr. Perkins, of Winchester, moved to adjourn until 8 o'clock this evening, which motion did not prevail.

Mr. Moulton, of Hampstead, moved that the House adjourn until to-morrow morning at 8 o'clock.

Mr. Adams, of Manchester, moved to amend the same by inserting "9 o'clock" instead of "8 o'clock," which was adopted.

The question being stated,

Shall the House now adjourn until to-morrow morning at 9 o'clock?

On this question the yeas and nays were demanded, were called, and were as follows:

Those who voted in the affirmative were Messrs.

Rockingham County. Ladd, Crawford, Adams of Derry, Clifford, Moulton, York, Marshall of Kingston, Creighton, Batchelder of Newton, Haven, Austin of Salem, Woodbury, Cotton of Sandown, Emerson of Windham.

Strafford County. Joy.

Belknap County. Reynolds of Centre Harbor, Weeks of Gilford, Robie of Gilford, Burden, Prescott of Sanbornton, Folsom of Upper Gilmanton.

Carroll County. Gould, Hubbard of Tamworth, Standley.

Merrimack County. Pease of Allenstown, Harris of Boscawen, Lake, Merriam, Hutchins, Farnum, Elwell, Paige of Concord, Rolfe, Doe, Nickelson, Bailey of Hopkinton, Dana, Bunker, Reynolds of Pittsfield, Palmer, Harriman, Colby of Warner.

Hillsborough County. True, Smith of Brookline, Greer, Kennedy, Baldwin, Goodrich of Lyndeborough, Pulsifer, Martin, Johnson, Moore, Knowles, Adams of Manchester, Rockwood, Sherburne.

Cheshire County. Smith of Dublin, Chapin, Barker, Willard, Buckminster, Weeks of Stoddard.

Sullivan County. Briggs, Tracy, Wellman of Cornish, Fowler, Knowlton.

Grafton County. Bailey of Alexandria, Clark of Enfield, Morse of Hebron, Smith of Holderness, Downs, Marston.

Coos County. Wright of Erroll, Washburn.

Those who voted in the negative were Messrs.

Rockingham County. Preston, Gilchrist, Robinson of Fremont, Dodge, Walker, Moran, Hill of Portsmouth, Hackett, Perkins of Rye, Weare, Paul.

Strafford County. Wyatt, Bickford, Parker of Farmington, Curtis.

Belknap County. Dow of Barnstead, Dearborn.

Carroll County. Ayers, Pitman, Thompson of Conway, Drew of Eaton, Bennett of Freedom, Hodge of Jackson, Warren, Blaisdell of Madison, Goldsmith.

Merrimack County. Goodhue of Bow.

Hillsborough County. Smith of Deering, Spaulding, McNeil, Clarke of Manchester, Montgomery, Little of Manchester, Whittle, Bruce, Bailey of Nashua, Robie of Nashua, Tubbs of Peterborough, Emerson of Windsor.

Cheshire County. Goodrich of Chesterfield, Whitcomb, Goodhue of Nelson, Farrar, Perkins of Winchester.

Sullivan County. Prentiss, McLaughlin, Slader, Barton.

Grafton County. Whitcher, Sinclair, Hodgman, Dean, Eaton, Whitney, Quint, Dow of Hanover, Bingham, Page of Thornton, Page of Warren, Campbell of Woodstock and Lincoln.

Coos County. Young of Clarksville, Cone, Ruggles, Plaisted, Young of Stewartstown.

Yeas 75; nays 66.

No quorum voting, the motion was declared lost, the Speaker ruling that it required a quorum of the whole House, to change the established hour of meeting.

The following message was received from His Excellency the Governor, by the Secretary of State:

EXECUTIVE DEPARTMENT, }
Concord, August 23, 1864. }

Gentlemen of the Senate and House of Representatives:

I return the Act in relation to the Carroll County Bank, without my signature for the following reason:

The act does not provide that the old stockholders shall have an opportunity to subscribe for the increase of stock authorized in proportion to the amount which they already hold. Nor does the act provide that any notice shall be given to the old stockholders that any increase in the stock of such bank has been authorized. It seems therefore to be designed not for their benefit, or for the general welfare of the institution but to advance individual interests.

If the circumstances of the bank are such as to warrant this special legislation, they would, in my opinion, warrant the repeal of its charter; which would be a fairer method of securing the ends which the bill seems to contemplate.

J. A. GILMORE.

On motion of Mr. Hackett, of Portsmouth, the message and bill were laid upon the table and made the special order for Wednesday morning at 11 o'clock.

On motion of Mr. Bingham, of Littleton,

The House adjourned.

WEDNESDAY, August 24, 1864.

The journal of yesterday was read and approved.

PETITIONS PRESENTED AND REFERRED.

To the Committee on the Judiciary:

By Mr. Gage, of Washington, petition of John Robbins and others, citizens of Washington.

By Mr. Knowlton, of Sunapee, petition of John P. Knowlton and others, citizens of Sunapee.

By Mr. Spaulding, of Hancock, petitions of G. A. Whittemore and others, citizens of Bennington; petition of Alvah Copeland and others, citizens of Hancock.

By Mr. Colby, of Warner, petition of John Rogers and others, citizens of Warner.

By Mr. Watson, of Sutton, petition of John Pressey and others; petition of Safford Watson and others; petition of Alfred Richards and others, citizens of Sutton.

By Mr. Jones, of Marlow, petition of Willard A. Baker and others, citizens of Marlow.

By Mr. Calef, of Salisbury, petition of Nath'l Bean and others, citizens of Salisbury.

By Mr. Coleman, of Newington, petition of Nath'l P. Coleman and others, citizens of Newington.

Severally praying for the passage of resolutions setting forth the desire of our people for a speedy and honorable peace.

To the Committee on Claims :

By Mr. Walker, of Portsmouth, claim of Morrill & Silsby.

On motion of Mr. Saunders, of Nashua,

Resolved, That the special committee appointed to take into consideration so much of the message of His Excellency, the Governor, as relates to the Auditor of Accounts, &c., be relieved from further consideration of the matter, and that the whole subject be indefinitely postponed.

On motion of Mr. Clarke, of Manchester,

Resolved, That the special committee on the raising of troops have leave to sit during the session of the House this forenoon.

Mr. Campbell, of Amherst, from the Special Committee on Finance, to whom was referred the message of His Excellency, the Governor, in regard to empowering the State Treasurer, by law, to call upon the banks of the State for a temporary loan, reported as follows :

They consider the idea of a forced loan from the banks, as very objectionable, and one not to be entertained. The Governor's suggestion of allowing the banks to temporarily expand their circulation as an equivalent for the loan required, is, we consider, inexpedient, and if allowed to the banks, would be of no benefit to them, in consequence of the enormous taxation to which this extra circulation would be subjected by the United States revenue laws.

They find also, by a statement from the treasurer, that twenty-six banks of the State, representing a capital of \$2,250,000, have already loaned to the State \$266,700, a sum equal to about 12 per cent. of their capital, and if a law were passed making it compulsory upon the banks to loan 10 per cent of their capital to the State, only about \$200,000 could be realized from that source.

The only other alternative which occurred to your committee was to allow the banks to increase their rate of interest to all borrowers, in order to compensate themselves for their loan to the State. Your committee thought it inexpedient to burden the business interest of the State by a burden which should be properly borne by the whole State, or to run the

risk of the general derangement of business matters which might follow any legal increase of the rate of interest.

The Legislature have already given the treasurer authority to borrow temporarily, upon any terms which His Excellency and his Council may approve, and they cannot but think that there is sufficient patriotism in the moneyed institutions of this State to supply during the present emergency the greater part of the needs of the State.

They therefore recommend the adoption of the following resolution as the sense of the Legislature :

Resolved by the Senate and House of Representatives in General Court convened, That the Legislature recommend to His Excellency the Governor to apply to the banks and other moneyed institutions in the State, for the loan of such sum, or sums, as may be requisite for the temporary use of the State, upon such rate of interest as may be agreed on; and if he shall not, from such banks and institutions, obtain the requisite amount, he then apply elsewhere.

The resolution was read a first time, and on motion of Mr. Bailey, of Nashua, the rules were suspended, and the resolution read a second and third time, passed, and sent to the Senate for concurrence.

Mr. Haven, of Portsmouth, from the Special Committee on Military Affairs, to whom was referred the resolution for the relief of drafted men, reported the following resolution, which was adopted :

Resolved, That the same be indefinitely postponed.

Mr. Bingham, of Littleton, from the special committee of conference on the part of the House, on the resolution in favor of the Rev. B. F. Bowles, reported that they had met a committee of the Senate, and conferred with them in respect to said resolution, and that they had been unable to agree with said committee of the Senate, therefore reported the following joint resolution :

Resolved by the Senate and House of Representatives in General Court convened, That the Rev. B. F. Bowles, Chaplain of the Legislature, be allowed the same compensation as the members of the House, and that the members of the Legislature be allowed one dollar per day in addition to the pay to

which they are now by law entitled; and that Cogswell & Sturtevant be allowed eleven dollars and twenty-five cents in full for their account, and that the same be paid out of any money in the treasury not otherwise appropriated, and the Governor is authorized to draw his warrant therefor.

The resolution was read a first time, and on motion of Mr. Page, of Warren, the rules were suspended and the resolution read a second time.

Mr. Clarke, of Manchester, moved to amend by striking out the words "and that the members of the Legislature be allowed one dollar per day in addition to the pay to which they are now by law entitled."

The amendment was rejected.

On motion of Mr. Page, of Warren, the rules were suspended, and the resolution read a third time.

And the question being stated,

Shall the resolution pass?

The yeas and nays were demanded, were called, and were as follows:

Those who voted in the affirmative were Messrs.

Rockingham County. Dow of Atkinson, Weeks of Greenland, Leavitt, Tilton, York, Platts, Meloon, Coleman of Newington, Batchelder of Newton, Batchelder of Nottingham, Hurd, Odiorne, Wendell, Prescott of Raymond, Perkins of Rye, French.

Strafford County. Young of Barrington, Morrill, Curtis, Bartlett of Lee, Leighton, Joy, Wood, Tuttle, Foss.

Belknap County. Bennett of Alton, Emerson of Alton, Dow of Barnstead, Reynolds of Centre Harbor, Burden, Stewart, Dearborn, Prescott of Sanbornton, Folsom of Upper Gilmanton.

Carroll County. Ayers, Pitman, Thompson of Conway, Eastman of Conway, Drew of Eaton, Taylor of Effingham, Bennett of Freedom, Hodge of Jackson, Warren, Blaisdell of Madison, Roles, Hobbs, Standley, Blaisdell of Tuftonborough, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Clough, Lake, Merriam, Hutchins, Elwell, Rolfe, Doe, Putney, Bailey of Hopkinton, Eastman of Loudon, Dana, Bunker, Cate, Reynolds of Pittsfield, Palmer, Cate, Watson, Harriman, Colby of Warner Little of Webster, Andrews.

Hillsborough County. True, Whittemore, Smith of Brookline, Smith of Deering, Hodge of Francetown, McNeil, Coolidge, Baldwin, Greeley, Hill of Manchester, Montgomery, Little of Manchester, Chamberlain, Parker of Merrimack, Bruce, Bailey of Nashua, Sawyer of Nashua, Rockwood, Roby of Nashua, Davis of New Ipswich, Sherburne, Barrett, Emerson of Windsor.

Cheshire County. Cooke, Smith of Dublin, Whitcomb, Chapin, Bailey of Jaffrey, Abbott, Barker, Willard, Jones of Marlow, Goodhue of Nelson, Buckminster, Felt of Sullivan, Holbrook, Lombard.

Sullivan County. Briggs, Wellman of Cornish, McLaughlin, Fowler, Slader, Parker of Lempster, Barton, Rowell, Philbrick, Knowlton, Gage.

Grafton County. Bailey of Alexandria, Hibbard, Witcher, Hodgman, Dean, Eaton, Smith of Enfield, Clark of Enfield, Pease of Ellsworth and Waterville, Whitney, Quint, Cotton of Haverhill, Morse of Hebron, Hughes, Knight, Bingham, Eastman of Littleton, Williams, Shute, Page of Thornton, Page of Warren, Campbell of Woodstock and Lincoln.

Cos County. Wheeler of Berlin, Young of Clarksville, Ruggles, Cole, Wright of Erroll, Plaisted, Washburn, Young of Stewartstown, Aldrich.

Those who voted in the negative were Messrs.

Rockingham County. Ladd, Gilchrist, Lane of Candia, Crawford, Diamond, Adams of Derry, Robinson of Fremont, Marshall of Kingston, Dodge, Stackpole, Creighton, Walker, Haven, Moran, Hill of Portsmouth, Hackett, Tucker, Yeaton, Austin of Salem, Woodbury, Paul, Emerson of Windham.

Strafford County. Baker, Wyatt, Brewster, Parker of Farmington, Austin of Madbury, Hall of Rochester, Horne, Hayes.

Belknap County. Kelley, Brown of Gilmanton, Robie of Gilford, Wiggin.

Carroll County. Gould.

Merrimack County. Harris of Boscawen, Farnum, Paige of Concord, Webster, Davis of Concord, Thompson of Concord, Burleigh of Franklin, Whitehouse.

Hillsborough County. Campbell of Amherst, Greer, Kennedy, McNeil, Pike, Goodrich of Lyndeborough, Thayer, Pulsifer, Clarke of Manchester, Moore, Whittle, Wadleigh, Wellman of Nashua, Tubbs of Peterborough, Story.

Cheshire County. Goodrich of Chesterfield, Lane of Keene, Gates, Farrar, Humphrey of Winchester, Perkins of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Glidden, Tracy, Humphrey of Croydon, Wilcox.

Grafton County. Taylor of Bristol, Bartlett of Canaan, Follansbee, Blood, Dow of Hanover, Kimball, Downs, Ash, Hoskins, Thurston, Underhill, Rogers of Piermont, Marston.

Coos County. Cone.

Yeas, 154; nays, 83.

So the resolution passed and was sent to the Senate for concurrence.

Mr. Robinson, of Fremont, introduced the following resolution:

Resolved, That those members of the House who reported their names to the Clerk at the commencement of the extra session, and who have not at any time subsequently attended the meetings of the House, are not entitled to the per diem allowance, and that the Clerk return the names of such absentees to the Treasurer, with instructions not to pay them said allowance.

On motion of Mr. Dodge, of Londonderry, the resolution was referred to a select committee of five, consisting of Messrs. Robinson of Fremont, True of Antrim, Page of Warren, Wyatt of Dover, Bailey of Jaffrey.

Mr. Hodgman, of Campton, introduced the following resolution:

Resolved, That all the members of this House who did not respond to their names on the call of the yeas and nays for the pay of chaplain and increase of pay of members, shall not be entitled to said extra pay, and that any member having conscientious scruples in receiving the same, may leave said increase with the State Treasurer for charitable purposes to be by him dispensed.

On motion of Mr. Hackett, of Portsmouth, the resolution was amended by adding "excepting Mr. Saunders, of Nashua."

Mr. Wyatt moved to farther amend by adding "and Mr. Wheeler, of Dover," which was adopted.

On motion of Mr. Wood, of Rollinsford, the resolution was indefinitely postponed.

On motion of Mr. McNiel, of Hillsborough,

Resolved, That those members who have voted against an increase of pay, or those having conscientious scruples upon the subject may be allowed the privilege of refusing such additional compensation.

Mr. Aldrich, of Whitefield, here called for the special order of the day, being the consideration of the message of His Excellency the Governor returning the bill entitled An act in relation to the Carroll County Bank, without his approval.

And the question being stated,

Shall the bill pass notwithstanding the objections of His Excellency the Governor?

Mr. Dodge, of Londonderry, moved that the bill be indefinitely postponed.

On this question the yeas and nays were demanded, were called, and were as follows:

Those who voted in the affirmative were Messrs.

Rockingham County. Dow of Atkinson, Ladd, Gilchrist, Lane of Candia, Dimond, Adams of Derry, Robinson of Fremont, Tilton, Marshall of Kingston, Dodge, Meloon, Stackpole, Creighton, Hurd, Walker, Haven, Moran, Hill of Portsmouth, Hackett, Tucker, Wendell, Yeaton, Woodbury, Paul, French, Emerson of Windham.

Strafford County. Baker, Wyatt, Morrill, Bickford, Wheeler of Dover, Brewster, Parker of Farmington, Curtis, Austin of Madbury, Leighton, Joy, Hall of Rochester, Horne, Hayes, Wood, Foss.

Belknap County. Bennett of Alton, Dow of Barnstead, Kelley, Brown of Gilmanton, Robie of Gilford, Wiggin, Burden, Stewart.

Carroll County. Pitman, Thompson of Conway, Eastman of Conway, Taylor of Effingham, Bennett of Freedom, Hodge of Jackson, Warren, Blaisdell of Madison, Roles, Standley, Goldsmith.

Merrimack County. Goodhue of Bow, Sawyer of Bradford, Clough, Merriam, Hutchins, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Thompson of Concord, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Dana, Bunker, Whitehouse, Reynolds of Pittsfield, Palmer, Calef, Watson, Harriman, Little of Webster.

Hillsborough County. True, Whittemore, Smith of Brookline, Smith of Deering, Hodge of Francestown, Greer, Kennedy, Russell, Spaulding, Greeley, Pike, Goodrich of Lyndeborough, Thayer, Clarke of Manchester, John-

son, Montgomery, Knowles, Little of Manchester, Whittle, Chamberlain, Parker of Merrimack, Saunders, Sawyer of Nashua, Wellman of Nashua, Rockwood, Davis of New Ipswich, Sherburne, Tubbs of Peterborough, Story, Gove, Emerson of Windsor.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Chapin, Bailey of Jaffrey, Abbott, Barker, Willard, Buckminster, Felt of Sullivan, Lombard, Humphrey of Winchester, Perkins of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Briggs, Tracy, Wellman of Cornish, Slader, Barton, Rowell, Philbrick, Lewis, Gage.

Grafton County. Bailey of Alexandria, Hibbard, Whitcher, Bartlett of Canaan, Follansbee, Dean, Eaton, Smith of Enfield, Clark of Enfield, Pease of Ellsworth and Waterville, Quint, Blood, Kimball, Cotton of Haverhill, Morse of Hebron, Knight, Downs, Ash, Bingham, Eastman of Littleton, Hoskins, Williams, Underhill, Rogers of Piermont, Marston, Shute.

Coos County. Wheeler of Berlin, Ruggles, Wright of Erroll, Plaisted, Washburn, Aldrich.

Those who voted in the negative were Messrs.

Rockingham County. Coleman of Newington, Odiorne.

Strafford County. Bartlett of Lee, Tuttle.

Carroll County. Ayers, Hobbs, Blaisdell of Tuftonborough.

Merrimack County. Doe, Andrews.

Hillsborough County. Coolidge, Roby of Nashua.

Sullivan County. Wilcox, Knowlton.

Grafton County. Taylor of Bristol, Hodgman, Whitney, Dow of Hanover, Page of Thornton, Page of Warren, Campbell of Woodstock and Lincoln.

Coos County. Cole, Young of Stewartstown.

Yeas 172; nays 24.

So the bill was indefinitely postponed.

On motion of Mr. Woodbury, of Salem,

The House adjourned.

AFTERNOON.

Mr. Sinclair, of Bethlehem, presented a document purporting to be a message from His Excellency the Governor.

The Speaker declined to receive the same unless by a vote of the House, it not being presented to him through the proper medium.

Mr. Sinclair was then proceeding to read the document to the House, whereupon the Speaker ruled that the reading was not in order unless by consent of the House.

Mr. Bingham, of Littleton, appealed from the decision of the Speaker, in which appeal Mr. Sinclair joined.

And the question being stated,

Is the Speaker's decision correct?

On this question the yeas and nays were demanded.

Debate intervening. Mr. Page, of Warren, having the floor, Mr. Saunders, of Nashua, arose to a point of order, objecting to the farther reading of the Constitution of New Hampshire, by Mr. Page.

The Speaker decided the reading of the Constitution irrelevant and out of order.

Mr. Bailey, of Nashua, appealed from this decision.

The Speaker ruled that the question before the House being upon an appeal, another appeal could not be entertained until the first was decided.

Mr. Bingham, of Littleton, arose and proposed to make a motion.

Mr. Dodge, of Londonderry, objected that no motion was in order during an appeal.

Mr. Bingham then withdrew the appeal, in which Mr. Sinclair joined.

The Speaker decided that Mr. Bingham, having the floor Mr. Sinclair, could not join in the withdrawal of the appeal.

Mr. Bingham yielding the floor,

Mr. Saunders, of Nashua, moved that the House adjourn.

On this question the yeas and nays were demanded.

Wednesday, August 24, 1864.

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Those who voted in the affirmative were Messrs.

Rockingham County. Dow of Atkinson, Ladd, Gilchrist, Lane of Candia, Crawford, Dimond, Adams of Derry, Eastman of Derry, Currier of East Kingston, Robinson of Fremont, Newton, Leavitt, Marshall of Kingston, Platts, Dodge, Stackpole, Creighton, Hurd, Walker, Haven, Moran, Hackett, Tucker, Yeaton, Austin of Salem, Woodbury, Weare, Currier of South Hampton, Paul, French, Emerson of Windham.

Strafford County. Young of Barrington, Baker, Wyatt, Morrill, Bickford, Wheeler of Dover, Brewster, Parker of Farmington, Austin of Madbury, Hall of Rochester, Horne, Wood.

Belknap County. Bennett of Alton, Emerson of Alton, Kelley, Brown of Gilmanton, Robie of Gilford, Burden, Stewart.

Carroll County. Blaisdell of Madison, Roles, Gould, Hubbard of Tamworth, Standley.

Merrimack County. Harris of Boscawen, Merriam, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Doe, Burleigh of Franklin, Whitehouse, Little of Webster.

Hillsborough County. Campbell of Amherst, True, Riddle, Smith of Brookline, Hodge of Francestown, Greer, Kennedy, Greeley, Pike, Goodrich of Lyndeborough, Thayer, Pulsifer, Martin, Clarke of Manchester, Johnson, Gardner, Montgomery, Knowles, Mitchell, Whittle, Adams of Manchester, Parker of Merrimack, Wadleigh, Saunders, Wellman of Nashua, Rockwood, Tubbs of Peterborough, Story, Gove.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Bailey of Jaffrey, Abbott, Lane of Keene, Barker, Goodhue of Nelson, Buckminster, Felt of Sullivan, Holbrook, Farrar, Humphrey of Winchester, Perkins of Winchester.

Sullivan County. Prentiss, Briggs, Wellman of Cornish, Humphrey of Croydon, Fowler, Slader, Barton, Wilcox.

Grafton County. Hibbard, Bartlett of Canaan, Follansbee, Smith of Enfield, Clark of Enfield, Blood, Kimball, Cotton of Haverhill, Smith of Holderness, Hughes, Downs, Parker of Lisbon, Ash, Hoskins, Williams, Underhill, Rogers of Piermont, Marston, Shute.

Coos County. Cone, Washburn.

Those who voted in the negative were Messrs.

Rockingham County. York, Meloan, Coleman of Newington, Batchelder of Nottingham, Odiorne, Wendell, Prescott of Raymond, Cotton of Sandown.

Strafford County. Joy, Tuttle, Foss.

Belknap County. Dow of Barnstead, Colbath, Reynolds of Centre Harbor, Dearborn, Prescott of Sanbornton.

Carroll County. Pitman, Thompson of Conway, Eastman of Conway, Drew of Eaton, Hodge of Jackson, Warren, Hobbs, Blaisdell of Tuftonborough, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allentown, Swett, Goodhue of Bow, Sawyer of Bradford, Lake, Hutchins, Putney, Bailey of Hopkinton, Batchelder of Loudon, Dana, Cate, Reynolds of Pittsfield, Palmer, Calef, Watson, Harriman, Colby of Warner, Andrews.

Hillsborough County. Whittemore, Smith of Deering, Russell, Spaulding, McNeil, Coolidge, Baldwin, Little of Manchester, Connor, Bailey of Nashua, Roby of Nashua, Sherburne, Taggart, Barrett, Emerson of Windsor.

Cheshire County. Chapin, Jones of Marlow, Lombard.

Sullivan County. McLaughlin, Parker of Lempster, Rowell, Philbrick, Knowlton, Gage.

Grafton County. Whitcher, Sinclair, Hodgman, Dean, Eaton, Pease of Ellsworth and Waterville, Whitney, Quint, Morse of Hebron, Knight, Bingham, Page of Warren, Campbell of Woodstock and Lincoln.

Cook County. Young of Clarksville, Ruggles, Cole, Wright of Erroll, Plaisted, Young of Stewartstown, Aldrich.

Yeas 142; nays 88.

[During the call of the yeas and nays the Secretary of State laid upon the Speaker's desk a document which he stated to be a message from His Excellency the Governor.]

And the House adjourned.

THURSDAY, August 25, 1864.

The journal of yesterday was read by the Clerk.

On motion of Mr. Clarke, of Manchester,

Resolved, That a committee of seven be appointed to enquire and report whether the bill entitled An act to enable the qualified voters of this State engaged in the military service of the country to vote for Electors of President and Vice President of the United States, and for Representatives in Congress, passed at the present session has become a law, without the approval of the Governor, by constitutional limitation; and that the papers placed upon the Speaker's table

by Allen Tenny, on the evening of the twenty-fourth day of August, during the roll call on a motion to adjourn, and during the disturbance which attended and interrupted said roll call, be taken therefrom by Charles H. Roberts, and delivered to said committee, and said committee to have power to send for persons and papers and to recommend such action in the premises as they may deem advisable.

Messrs. Barton, of Newport, Clarke, of Manchester, Parker, of Merrimack, Hackett, of Portsmouth, Pitman, of Bartlett, Wyatt, of Dover, Page, of Thornton, were appointed said committee.

On motion of Mr. Sinclair, of Bethlehem, the committee were instructed to report at the earliest possible moment.

On motion of Mr. Wheeler, of Dover,

Resolved, That the committee have leave to sit during the session of the House this forenoon.

The following message was received from the Senate by their clerk:

Mr. Speaker—

The Senate have indefinitely postponed the House resolution in favor of Rev. B. F. Bowles, and relating to the pay of members of the Legislature.

The Senate concur with the House of Representatives in the passage of the resolution relating to a temporary loan.

Also in the act entitled An act in addition to an act to facilitate the raising of troops, approved August 19, 1864.

The Senate have passed a bill entitled An act in relation to the clerk of the Senate, in the passage of which they ask the concurrence of the House of Representatives.

The bill entitled An act in relation to the clerk of the Senate, sent down from the Senate was then read a first and second time and referred to the Committee on the Judiciary.

On motion of Mr. Barton, of Newport the rules were suspended, and the bill read a third time and passed in concurrence.

Mr. Bingham, of Littleton, moved that the paper from His Excellency the Governor, placed upon the Speaker's table yesterday by Allen Tenny, Secretary of State, be now read for the information of the House.

Mr. Adams, of Manchester, here called for the regular order of the day, being petitions and reports of committees.

Mr. Bingham, moved that the rules be so far suspended that the reading of the paper take precedence of the regular order of the day.

On this question the yeas and nays were demanded, were called and were as follows:

Those who voted in the affirmative were Messrs.

Rockingham County. York, Coleman of Newington, Batchelder of Newton, Batchelder of Nottingham, Odiorne, Wendell, Prescott of Raymond, Perkins of Rye, Cotton of Sandown.

Strafford County. Leighton, Joy, Tuttle, Foss.

Belknap County. Dow of Barnstead, Colbath, Reynolds of Centre Harbor, Dearborn, Prescott of Sanbornton, Folsom of Upper Gilmanton.

Carroll County. Ayers, Pitman, Thompson of Conway, Eastman of Conway, Drew of Eaton, Taylor of Effingham, Bennett of Freedom, Hodge of Jackson, Warren, Roles, Hobbs, Blaisdell of Tuftonborough, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Clough, Lake, Hutchins, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Dana, Cate, Reynolds of Pittsfield, Palmer, Calef, Watson, Harriman, Colby of Warner, Andrews.

Hillsborough County. Whittemore, Smith of Deering, Russell, Spaulding, McNeil, Coolidge, Baldwin, Little of Manchester, Bruce, Bailey of Nashua, Roby of Nashua, Sherburne, Taggart, Barrett, Emerson of Windsor.

Cheshire County. Chapin, Barker, Willard, Jones of Marlow, Buckminster, Lombard, Patten.

Sullivan County. McLaughlin, Parker of Lempster, Rowell, Knowlton, Gage.

Grafton County. Bailey of Alexandria, Whiteher, Sinclair, Hodgman, Dean, Eaton, Pease of Ellsworth and Waterville, Whitney, Quint, Dow of Hanover, Morse of Hebron, Knight, Bingham, Eastman of Littleton, Page of Thornton, Page of Warren.

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Coos County. Wheeler of Berlin, Young of Clarksville, Cole, Plaisted, Young of Stewartstown, Aldrich.

Those who voted in the negative were Messrs.

Rockingham County. Dow of Atkinson, Ladd, Gilchrist, Lane of Candia, Crawford, Dimond, Adams of Derry, Currier of East Kingston, Clifford, Robinson of Fremont, Weeks of Greenland, Leavitt, Marshall of Kingston, Platts, Dodge, Stackpole, Hurd, Haven, Moran, Hackett, Tucker, Yeaton, Austin of Salem, Woodbury, Weare, Currier of South Hampton, Paul, French, Emerson of Windham.

Strafford County. Young of Barrington, Baker, Morrill, Bickford, Wheeler of Dover, Brewster, Parker of Farmington, Curtis, Austin of Madbury, Jones of Milton, Hall of Rochester, Horne, Hayes, Wood.

Belknap County. Bennett of Alton, Emerson of Alton, Kelley, Weeks of Gilford, Robie of Gilford, Mansur, Wiggin, Burden, Stewart.

Carroll County. Coleman of Brookfield, Blaisdell of Madison, Gould, Standley.

Merrimack County. Harris of Boscawen, Merriam, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Burleigh of Franklin, Bunker, White-house, Little of Webster.

Hillsborough County. Campbell of Amherst, True, Riddle, Smith of Brookline, Hodge of Francestown, Greer, Kennedy, Greeley, Pike, Goodrich of Lyndeborough, Thayer, Pulsifer, Clarke of Manchester, Johnson, Montgomery, Knowles, Mitchell, Whittle, Adams of Manchester, Parker of Merrimack, Sawyer of Milford, Wadleigh, Saunders, Greenwood, Rockwood, Tubbs of Peterborough, Keyes, Story, Gove.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Bailey of Jaffrey, Abbott, Lane of Keene, Goodhue of Nelson, Felt of Sullivan, Holbrook, Farrar, Humphrey of Winchester, Perkins of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Glidden, Briggs, Tracy, Wellman of Cornish, Humphrey of Croydon, Fowler, Slader, Barton, Wilcox.

Grafton County. Hibbard, Taylor of Bristol, Bartlett of Canaan, Follansbee, Smith of Enfield, Clark of Enfield, Blood, Kimball, Cotton of Haverhill, Smith of Holderness, Hughes, Downs, Parker of Lisbon, Ash, Hoskins, Thurston, Williams, Underhill, Rogers of Piermont, Marston, Shute.

Coos County. Cone, Washburn.

Yeas 102; nays 145.

And the motion did not prevail.

PETITIONS PRESENTED AND REFERRED.

To the Committee on the Judiciary :

By Mr. Dana, of Newbury, petition of Ezra Cilley, 2d and others, citizens of Newbury ;

By Mr. Chapin, of Gilsum, petition of Geo. W. F. Temple, and others, citizens of Alstead ; petition of Allen Hayward, and others, citizens of Gilsum.

By Mr. Emerson, of Windsor, petition of George L. Kimball, and others, citizens of Henniker ; petition of Thos. J. Jones, and others, citizens of Windsor, severally praying for the passage of resolutions setting forth the desire of our people for a speedy and honorable peace.

Mr. Emerson, of Windham, from the Joint Committee on Engrossed Bills, reported that they had carefully examined the following bills and resolutions, and found them correctly engrossed, viz :

Resolution in favor of A. P. Davis ;

An act relating to the assignment of bounties ;

Joint resolution for the payment of State bounties assigned by members of the First New Hampshire Cavalry ;

Resolution in favor of the clerks of the Senate and House of Representatives ;

Joint resolution authorizing the Governor to hire money for the use of the State ;

An act in addition to an act to facilitate the raising of troops ;

Resolution to procure the printing of 1500 copies of the Act to facilitate the raising of troops.

Mr. Briggs, of Claremont, from the Committee on Printers' Accounts, to whom was referred the account of Thomas Hale & Co., for advertising, reported the following joint resolution, which was read a first time and ordered to a second reading.

Resolved by the Senate and House of Representatives in General Court convened, That Thomas Hale & Co., be allowed six dollars and fifty cents (\$6.50), in full for their account, and that the same be paid out of any money in the Treasury not otherwise appropriated.

Mr. Briggs, of Claremont, from the select committee of five to whom was referred the joint resolution in relation to the pay of bounties, reported the resolution in a new draft as follows:

Resolved, That no member of the House of Representatives shall receive pay for travel or attendance at the present session of the Legislature, who at every call of the roll, or of the yeas and nays during the present session has failed to respond; and that the pay of each member be withheld for any and every week during which he failed to respond at every call of the House or of the yeas and nays; and that the clerk be instructed to make up the pay-roll accordingly.

On motion of Mr. Bailey, of Nashua, the resolution was recommitted to the select committee.

Mr. Bingham, of Littleton, renewed his motion for the reading of the paper which was laid upon the Speaker's table yesterday by the Secretary of State.

Mr. Parker, of Merrimack, moved that the motion lie upon the table.

On this question the yeas and nays were demanded, were called with the following result:

Those who voted in the affirmative were Messrs.

Rockingham County. Dow of Atkinson, Ladd, Gilchrist, Crawford, Dimond, Adams of Derry, Eastman of Derry, Currier of East Kingston, Clifford, Robinson of Fremont, Weeks of Greenland, Moulton, Leavitt, Marshall of Kingston, Platts, Dodge, Meloan, Stackpole, Willey, Hurd, Haven, Moran, Hackett, Tucker, Yeaton, Austin of Salem, Woodbury, Weare, Currier of South Hampton, Paul, French.

Strafford County. Young of Barrington, Baker, Morrill, Bickford, Wheeler of Dover, Brewster, Parker of Farmington, Curtis, Austin of Madbury, Hall of Rochester, Horne, Hayes, Wood.

Belknap County. Bennett of Alton, Emerson of Alton, Kelley, Brown of Gilmanton, Robie of Gilford, Mansur, Wiggin, Burden, Stewart.

Carroll County. Coleman of Brookfield, Gould, Hubbard of Tamworth.

Merrimack County. Harris of Boscawen, Merriam, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Burleigh of Franklin, Bunker, Whitehouse, Little of Webster.

Hillsborough County. Campbell of Amherst, True, Riddle, Smith of Brookline, Hodge of Francestown, Greer, Kennedy, Greeley, Pike, Goodrich of Lyndeborough, Thayer, Hill of Manchester, Pulsifer, Martin, Clarke of Manchester, Johnson, Gardner, Montgomery, Knowles, Mitchell, Whittle, Adams of Manchester, Parker of Merrimack, Sawyer of Milford, Wadleigh, Scripture, Saunders, Greenwood, Rockwood, Tubbs of Peterborough, Keyes, Story, Gove.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Bailey of Jaffrey, Lane of Keene, Barker, Willard, Goodhue of Nelson, Buckminster, Felt of Sullivan, Holbrook, Farrar, Perkins of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Briggs, Tracy, Wellman of Cornish, Humphrey of Croydon, Fowler, Slader, Barton, Wilcox, Philbrick.

Grafton County. Hibbard, Bartlett of Canaan, Follansbee, Smith of Enfield, Clark of Enfield, Blood, Kimball, Cotton of Haverhill, Smith of Holderness, Hughes, Downs, Parker of Lisbon, Ash, Hoskins, Thurston, Williams, Underhill, Rogers of Piermont, Marston, Shute.

Coos County. Cone.

Those who voted in the negative were Messrs.

Rockingham County. York, Coleman of Newington, Batchelder of Nottingham, Odiorne, Wendell, Prescott of Raymond, Perkins of Rye, Cotton of Sandown.

Strafford County. Joy, Tuttle, Foss.

Belknap County. Dow of Barnstead, Colbath, Reynolds of Centre Harbor, Dearborn, Prescott of Sanbornton.

Carroll County. Ayers, Pitman, Thompson of Conway, Eastman of Conway, Drew of Eaton, Taylor of Effingham, Bennett of Freedom, Hodge of Jackson, Warren, Roles, Hobbs, Blaisdell of Tuftonborough, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Lake, Hutchins, Doe, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Dana, Cate, Reynolds of Pittsfield, Palmer, Calef, Watson, Harriman, Colby of Warner, Andrews.

Hillsborough County. Whittemore, Smith of Deering, Russell, Spaulding, Coolidge, Baldwin, Little of Manchester, Connor, Bruce, Bailey of Nashua, Roby of Nashua, Sherburne, Taggart, Barrett, Emerson of Windsor.

Cheshire County. Chapin, Jones of Marlow, Lombard.

Sullivan County. McLaughlin, Parker of Lempster, Rowell, Knowlton, Lewis, Gage.

Grafton County. Bailey of Alexandria, Whitcher, Sinclair, Hodgman, Dean, Eaton, Pease of Ellsworth and Waterville, Whitney, Quint, Dow of Hanover, Morse of Hebron, Knight, Bingham, Eastman of Littleton, Page of Warren.

Cos County. Wheeler of Berlin, Young of Clarksville, Ruggles, Cole, Wright of Erroll, Plaisted, Young of Stewartstown, Aldrich.

Yeas, 148; Nays, 97.

And the motion prevailed.

Mr. Saunders, of Nashua, introduced the following resolution:

Resolved, That the journal of the afternoon session of the House of August 24th, be referred to the special committee appointed to inquire whether the act allowing soldiers to vote has become a law, and that said committee inquire whether or not the record is in all particulars correct, and recommend for the action of the House such alterations, if any, as they may find warranted by the facts.

Mr. Bingham, moved to amend, so that the resolution should be referred to a select committee of ten consisting of six republicans and four democrats, to be chosen by the House.

Mr. Haven, of Portsmouth, moved to amend the amendment by inserting after the word "democrats," "one from each county," which was adopted.

On motion of Mr. Parker, of Farmington,

The House adjourned.

AFTERNOON.

A communication was received from the select committee appointed to ascertain whether the bill entitled An act to enable the qualified voters of this State engaged in the military service of the country to vote for Electors of President and Vice President of the United States and for Representatives in Congress, passed at the present session has become a law—reporting a vacancy, by reason of the absence of Mr. Wyatt, of Dover, on account of sickness in his family.

Mr. Downs, of Lebanon, was appointed to fill the vacancy.

PETITIONS PRESENTED AND REFERRED.

To the Committee on the Judiciary:

By Mr. Sawyer, of Bradford, petition of Joshua Eaton and others, citizens of Bradford; petition of Curtis Messer and others, citizens of Newbury; petition of John W. Morse and others, citizens of Bradford;

Severally praying for the passage of resolutions setting forth the desire of our people for a speedy and honorable peace.

On motion of Mr. Bailey, of Nashua, the motion of Mr. Bingham, of Littleton, for the reading of the paper from His Excellency the Governor, laid upon the Speaker's table yesterday by Allen Tenny, was taken from the table.

Mr. Clarke, of Manchester, here called for the unfinished business of the morning, being the consideration of the resolution referring the journal of the afternoon of August 24th, to the special committee appointed to inquire whether the bill relating to allowing soldiers to vote has become a law.

The question being upon the amendment proposed thereto by Mr. Bingham, of Littleton, which being stated,

The yeas and nays were demanded, were called with the following result.

Those who voted in the affirmative were Messrs.

Rockingham County. York, Coleman of Newington, Batchelder of Nottingham, Odiorne, Wendell, Prescott of Raymond, Perkins of Rye, Cotton of Sandown.

Strafford County. Leighton, Joy, Tuttle, Foss.

Belknap County. Bennett of Alton, Dow of Barnstead, Colbath, Reynolds of Center Harbor, Stewart, Dearborn, Prescott of Sanbornton, Folsom of Upper Gilmanton.

Carroll County. Ayers, Pitman, Thompson of Conway, Eastman of Conway, Drew of Eaton, Taylor of Effingham, Bennett of Freedom, Hodge of Jackson, Warren, Hobbs, Blaisdell of Tuftonborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Hutchins, Doe, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Dana, Cate, Reynolds of Pittsfield, Palmer, Calef, Watson, Harriman, Colby of Warner, Andrews.

Hillsborough County. Whittemore, Smith of Deering, Russell McNeil, Coolidge, Baldwin, Little of Manchester, Conner, Bruce, Bailey of Nashua, Cahill, Roby of Nashua, Fox, Sherburne, Taggart, Barrett, Emerson of Windsor.

Cheshire County. Chapin, Jones of Marlow, Lombard, Patten.

Sullivan County. Wellman of Cornish, McLaughlin, Parker of Lempster, Rowell, Philbrick, Knowlton, Lewis, Gage.

Grafton County. Bailey of Alexandria, Whitcher, Sinclair, Hodgman, Dean, Eaton, Pease of Ellsworth and Waterville, Whitney, Quint, Dow of Hanover, Cotton of Haverhill, Knight, Bingham, Eastman of Littleton, Page of Thornton, Page of Warren, Campbell of Woodstock and Lincoln.

Coos County. Wheeler of Berlin, Young of Clarksville, Ruggles, Cole, Wright of Erroll, Plaisted, Young of Stewartstown, Aldrich.

Those who voted in the negative were Messrs.

Rockingham County. Dow of Atkinson, Ladd, Gilchrist, Crawford, Diamond, Eastman of Derry, Robinson of Fremont, Weeks of Greenland, Marshall of Kingston, Platts, Dodge, Stackpole, Willey, Hurd, Haven, Moran, Tucker, Yeaton, Austin of Salem, Woodbury, Weare, Currier of South Hampton, Paul, French, Emerson of Windham.

Strafford County. Young of Barrington, Baker, Morrill, Wheeler of Dover, Brewster, Parker of Farmington, Curtis, Austin of Madbury, Hall of Rochester, Horne, Hayes, Wood.

Belknap County. Emerson of Alton, Kelley, Brown of Gilmanton, Weeks, of Gilford, Robie of Gilford, Mansur, Wiggin, Burden.

Carroll County. Coleman of Brookfield, Gould, Standley.

Merrimack County. Merriam, Farnum, Elwell, Page of Concord, Webster, Davis of Concord, Thompson of Concord, Bunker, Whitehouse.

Hillsborough County. Campbell of Amherst, Smith of Brookline, Hodge of Francetown, Greer, Kennedy, Greeley, Pike, Goodrich of Lyndeborough, Pulsifer, Clarke of Manchester, Johnson, Montgomery, Knowles, Mitchell, Whittle, Parker of Merrimack, Sawyer of Milford, Wadleigh, Saunders, Greenwood, Rockwood, Keyes, Story, Gove.

Cheshire County. Cooke, Smith of Dublin, Bailey of Jaffrey, Abbott, Lane of Keene, Barker, Willard, Goodhue of Nelson, Buckminster, Felt of Sullivan, Farrar, Humphrey of Winchester, Perkins of Winchester.

Sullivan County. Prentiss, Glidden, Briggs, Humphrey of Croydon, Fowler, Slader, Barton, Wilcox.

Grafton County. Hibbard, Bartlett of Canaan, Follansbee, Smith of Enfield, Clark of Enfield, Blood, Kimball, Smith of Holderness, Hughes, Parker of Lisbon, Ash, Hoskins, Thurston, Williams, Underhill, Rogers of Piermont, Marston, Shute.

Coos County. Cone, Washburn.

Yeas 105; nays 121.

So the amendment was rejected.

Mr. Sinclair, of Bethlehem, moved to further amend the resolution by adding, "and that Messrs. Bingham, of Littleton, Little, of Manchester, and Ash, of Lisbon," be added to said committee.

On this question the yeas and nays were demanded, and were called with the following result:

Those who voted in the affirmative were Messrs.

Rockingham County. York, Coleman of Newington, Batchelder of Newton, Batchelder of Nottingham, Odiorne, Wendell, Perkins of Rye, Cotton of Sandown.

Strafford County. Joy, Tuttle, Foss.

Belknap County. Dow of Barnstead, Colbath, Reynolds of Centre Harbor, Stewart, Dearborn, Prescott of Sanbornton, Folsom of Upper Gilmanston.

Carroll County. Ayers, Pitman, Thompson of Conway, Eastman of Conway, Drew of Eaton, Taylor of Effingham, Bennett of Freedom, Hodge of Jackson, Warren, Roles, Hobbs, Blaisdell of Tuftonborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Hutchins, Doe, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Dana, Cate, Reynolds of Pittsfield, Palmer, Watson, Harrimar, Colby of Warner, Andrews.

Hillsborough County. Whittemore, Smith of Deering, Russell, McNeil, Coolidge, Baldwin, Little of Manchester, Connor, Bruce, Bailey of Nashua, Cahill, Roby of Nashua, Fox, Sherburne, Taggart, Barrett, Emerson of Windsor.

Cheshire County. Chapin, Mason of Marlborough, Jones of Marlow, Lombard, Patten.

Sullivan County. McLaughlin, Parker of Lempster, Rowell, Philbrick, Knowlton, Lewis, Gage.

Grafton County. Bailey of Alexandria, Whitcher, Sinclair, Hodgman, Dean, Eaton, Pease of Ellsworth and Waterville, Whitney, Quint, Knight, Bingham, Eastman of Littleton, Page of Thornton, Page of Warren, Campbell of Woodstock and Lincoln.

Coos County. Wheeler of Berlin, Young of Clarksville, Ruggles, Cole, Wright of Erroll, Plaisted, Young of Stewartstown, Aldrich.

Those who voted in the negative were Messrs.

Rockingham County. Dow of Atkinson, Ladd, Gilchrist, Crawford, Eastman of Derry, Robinson of Fremont, Weeks of Greenland, Marshall of Kingston, Platts, Dodge, Meloan, Stackpole, Willey, Hurd, Haven, Moran, Tucker, Yeaton, Prescott of Raymond, Austin of Salem, Woodbury, Weare, Currier of South Hampton, Paul, French, Emerson of Windham.

Strafford County. Young of Barrington, Baker, Morrill, Wheeler of Dover, Brewster, Parker of Farmington, Curtis, Austin of Madbury, Hall of Rochester, Horne, Hayes, Wood.

Bellknop County. Bennett of Alton, Emerson of Alton, Kelley, Brown of Gilmanton, Weeks of Gilford, Robie of Gilford, Mansur, Wiggin, Burden.

Carroll County. Coleman of Brookfield, Blaisdell of Madison, Gould, Standley.

Merrimack County. Merriam, Farnum, Elwell, Paige of Concord, Webster, Davis of Concord, Thompson of Concord, Bunker, Whitehouse.

Hillsborough County. Campbell of Amherst, True, Smith of Brookline, Hodge of Francetown, Greer, Kennedy, Greeley, Pike, Goodrich of Lyndeborough, Pulsifer, Clarke of Manchester, Johnson, Montgomery, Moore, Knowles, Mitchell, Whittle, Parker of Merrimack, Sawyer of Milford, Wadleigh, Saunders, Greenwood, Rockwood, Keyes, Story, Gove.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Bailey of Jaffrey, Abbott, Lane of Keene, Barker, Willard, Goodhue of Nelson, Buckminster, Felt of Sullivan, Holbrook, Farrar, Humphrey of Winchester, Perkins of Winchester.

Sullivan County. Prentiss, Glidden, Briggs, Tracy, Wellman of Cornish, Humphrey of Croydon, Slader, Barton, Wilcox.

Grafton County. Hibbard, Bartlett of Canaan, Follansbee, Smith of Enfield, Clark of Enfield, Blood, Kimball, Cotton of Haverhill, Smith of Holderness, Downs, Parker of Lisbon, Ash, Hoskins, Thurston, Williams, Underhill, Rogers of Piermont, Marston, Shute.

Coos County. Harris of Colebrook, Cone, Washburn.

Yeas 101; nays 132.

So the amendment was rejected.

On motion of Mr. Bingham, of Littleton, the select committee on the bill relating to allowing soldiers to vote, were instructed to report to-morrow morning.

On motion of Mr. Barton, of Newport,

Resolved, That the special committee on the subject of the soldiers voting bill, be authorized to employ a reporter if in the opinion of the committee it should be deemed advisable.

On motion of Mr. Wheeler, of Dover,

The House adjourned.

FRIDAY, August 26, 1864.

On motion of Mr. Wheeler, of Dover, the reading of the journal was omitted.

The following message was received from His Excellency the Governor by the Secretary of State.

To the Honorable Senate and House of Representatives:

On Wednesday, the 24th instant, I returned to the House of Representatives, in which it originated, the bill entitled "An act to enable the qualified voters of the State of New Hampshire, engaged in the military service of the country, to vote for Electors of President and Vice President of the United States and for Representatives in Congress," with my objections thereto, as provided in the 44th article of the Constitution of New Hampshire.

My veto message, which I am informed the House has thus far refused to have read, was as follows:

"There has been presented to me an act, entitled An act to enable the qualified voters of the State of New Hampshire, engaged in the military service of the country, to vote for Electors of President and Vice President of the United States, and for Representatives in Congress.

I return it to the House in which it originated with my objections. I have heretofore to this Legislature expressed my earnest desire to extend to our soldiers in the field the right of suffrage; but I propose to do it, not by a violation, but through an amendment of the Constitution.

In order not to be misunderstood or misrepresented, I quote from a former message, what ought to be familiar to every member of the conjoint bodies, who with myself are charged with the administration of the government of this State.

‘The fact that the citizen soldiers of our State contributed their share to that glorious result which struck dismay to the rebel leaders, requires no extenuation or apology. If our battle-scarred veterans have not the right to vote, I know not who has. I regret exceedingly that at the last session of the Legislature measures were not taken to so amend the constitution of the State as to secure this right to all our soldiers without withdrawing them from the field of active operations. Such an amendment has lately been adopted by the State of New York; and I would urge the proposal of a similar amendment to our people as an act of simple justice to our noble soldiers. I cannot understand why a man’s loyalty should disfranchise him; nor do I believe the liberties of a nation are safer in other hands than those of the men who have taken up arms to defend them. God helping me, our New Hampshire troops shall vote in the State if they are not permitted to vote out of it.’

Without referring to obvious objections to the bill in its details, some of which, it seems to me, leave no hope of a fair vote in which the private soldiers should participate with the commissioned officers in obedience to his unbiassed judgment and convictions, it is enough for me to find that upon the judgment of the highest judicial tribunal of the State, and upon my own judgment expressed in my annual message, the act is unconstitutional.

The next step after the violation of the Constitution of the State of New Hampshire, and of the United States, is anarchy.

There is no object sufficiently desirable to justify a palpable violation of the Constitution which we have all taken an oath to support.”

I am further informed that a question has arisen as to the time said bill came into my hands. For the information of the legislature upon this point, I would state that the bill was first presented to me on Thursday, August 18th, which date was minuted by me upon the bill at the time it was presented to me.

J. A. GILMORE, *Governor.*

On motion of Mr. Sinclair, the message was laid upon the table, and the clerk directed to procure the usual number of printed copies for the use of the House.

Mr. Barton, of Newport, from a select committee, submitted the following report:

The Select Committee directed to enquire whether the bill entitled An act to enable the qualified voters of this State engaged in the military service of the country to vote for Electors of President and Vice President of the United States and for members of Congress, passed at the present session, has become a law without the approval of the Governor, by constitutional limitation; being instructed to report this forenoon respectfully submit the following statement:

They find upon incontestable evidence before them that said bill was signed by the Speaker of the House and President of the Senate, on Wednesday, the 17th of August, 1864, and was immediately, about noon of the same day, carried by the Assistant Clerk of the Senate to the Executive Chamber, and laid upon the table of His Excellency the Governor—the Governor and Council having been in session and not having adjourned, although the Governor was then absent; That the customary mode of presenting bills to the Governor has been for some officer of the Senate, after bills have been signed by the Speaker of the House and President of the Senate, to carry them to the Executive Chamber and lay them upon the table of the Governor; that five days elapsed after said presentation without the Governor returning or attempting to return said bill to the House, in case he disapproved thereof, with his objections, as required by the 44th article of the Constitution of New Hampshire.

From these facts your committee are of the opinion that said bill has become a law, although it has not received the approval of the Governor.

The committee have also investigated other matters not above stated, bearing upon the subjects referred to them; but the facts herein stated appearing beyond controversy, and the committee being clearly of the opinion that the bill aforesaid has become a law, acting under the positive instructions of the House, they report and recommend the passage of the accompanying resolution.

LEVI W. BARTON,
STEPHEN G. CLARKE,
EDWARD P. PARKER,
WILLIAM H. HACKETT,
CHARLES A. DOWNS.

Resolved by the Senate and House of Representatives in General Court convened:

That the bill entitled An act to enable the qualified voters of this State engaged in the military service of the country to vote for Electors of President and Vice President of the United States and for Representatives in Congress, passed at the present session, has become a law without the approval of the Governor, in accordance with article 44th of the Constitution of the State; said bill having been presented to the Governor on Wednesday, the seventeenth day of August, 1864, and no attempt having been made by the Governor to return the same to the House in which it originated until after Tuesday, the twenty-third day of August, 1864; and that the Secretary of State be directed to prepare and furnish the blank forms necessary to carry out the provisions of said act as therein directed.

Mr. Pitman, of Bartlett, from the same committee, submitted the following minority report:

The minority of the committee, to whom was referred the bill entitled An act to enable the qualified voters of the State of New Hampshire engaged in the military service of the country to vote for Electors of President and Vice President of the United States, and for Representatives in Congress, with instructions to enquire whether said bill had become a law by statute limitation, being unable to agree with the majority of said committee, submit the following report:

No competent proof was presented to the committee going to show that the bill was presented to the Governor prior to Thursday, August 18th, and the message accompanying the bill, which was returned to the House by His Excellency the Governor, on Thursday last, which was referred to the committee by the House was as follows:

To the Honorable Senate and House of Representatives :

There has been presented to me an act entitled An act to enable the qualified voters of the State of New Hampshire engaged in the military service of the country to vote for Electors of President and Vice President of the United States and for Representatives in Congress.

I return it to the House in which it originated, with my objections.

I have heretofore, to this Legislature, expressed my earnest desire to extend to our soldiers in the field the right of suffrage, but I proposed to do it not by a violation, but through an amendment to the Constitution.

In order not to be misunderstood or misrepresented, I quote from a former message, what ought to be familiar to every member of the conjoint bodies who, with myself, are charged with the administration of the government of this State.

"The fact that the citizen soldiers of our State contributed their share to that glorious result which struck dismay to the rebel leaders, requires no extenuation or apology. If our battle scarred veterans have not the right to vote I know not who has. I regret, exceedingly, that at the last session of the Legislature measures were not taken to so amend the Constitution of the State as to secure this right to all our soldiers without withdrawing them from the field of active operations. Such an amendment has lately been adopted by the State of New York; and I would urge the proposal of a similar amendment to our people as an act of simple justice to our noble soldiers. I cannot understand why a man's loyalty should disfranchise him; nor do I believe the liberties of a nation are safer in other hands than those of the men who have taken up arms to defend them. God helping me, our New Hampshire troops shall vote in the State if they are not permitted to vote out of it."

Without referring to obvious objections to the bill, in its

details, some of which, it seems to me, leave no hope of a fair vote, in which the private soldiers should participate with the commissioned officers, in obedience to his unbiased judgment and convictions, it is enough for me to find, that upon the judgment of the highest judicial tribunal of the State, and upon my own judgment, expressed in my annual message, the act is unconstitutional.

The next step after the violation of the Constitution of the State of New Hampshire and of the United States is anarchy.

There is no object sufficiently desirable to justify palpable violation of the Constitution which we have all taken our oath to support.

I am further informed that a question has arisen as to the time said bill came into my hands.

For the information of the Legislature upon this point, I would state that the bill was first presented to me on Thursday, August 18th, which date was minuted by me upon the bill at the time it was so presented to me.

J. A. GILMORE, *Governor*.

And the minority of the committee being fully satisfied, from the evidence submitted to the committee, and from the statement contained in the message of His Excellency, this day submitted to the Legislature, that the bill in question was not presented to him until the 18th day of August, are clearly of the opinion that the time within which the same would have become a law by the limitation prescribed by the Constitution had not expired when his veto message was presented to the House on the 24th day of August. And we further, are clearly of the opinion that if said bill had been presented upon the 17th of August, still there were not five days, exclusive of Sunday, when the Legislature was in session prior to the said 24th day of August, by reason of the adjournment of the Legislature from Saturday until Tuesday, and that therefore, upon the view of the evidence taken by the majority of the committee, the bill was returned, with the Governor's objections, within the five days prescribed by the Constitution. To entertain any different view of the subject, in the last named particular, would be to hold that the Legislature, by an adjournment from the third to the sixth day after the bill had been presented to the Governor

for his signature or disapproval, would be to hold that he could only exercise the constitutional prerogative of returning the bill with his objections within three instead of five days after the same had been presented to him, thus defeating a plain provision of the Constitution.

It therefore appears, conclusively, that in any event, the bill in question was returned to the House in which it originated, with a message from the Governor, containing his objections thereto within the time prescribed by the 44th Article of the Constitution of the State, and that said bill is not now, and cannot become a law of the State of New Hampshire unless upon reconsideration thereof two thirds of both Houses of the Legislature shall agree to pass the bill.

G. W. M. PITMAN,
OSGOOD PAGE.

And the question being stated,

Shall the joint resolution reported by the majority be read a second time?

Mr. Pitman, of Bartlett, asked leave to amend the minority report by striking out therefrom the following words:

"I am further informed that a question has arisen as to the time said bill came into my hands. For the information of the Legislature upon this point I would state that the bill was first presented to me on Thursday, August 18th, which date was minuted by me upon the bill at the time it was presented to me."

The Speaker ruled that unless the report was withdrawn it could not be amended except by the unanimous consent of the House.

Mr. Pitman therefore moved to amend by striking out the words stated.

And the question being stated,

Shall leave be granted to amend the report of the minority?

It was decided unanimously in the affirmative.

The question recurring,

Shall the joint resolution reported by the majority be read a second time ?

It was decided in the affirmative.

So the resolution was ordered to a second reading.

Mr. Bingham, of Littleton, moved that the reports of the majority and minority of the committee be postponed and be made the special order for Tuesday at 10 o'clock, A. M., and that the usual number of printed copies of the reports be procured for the use of the House.

Mr. Barton, of Newport, moved that the motion be amended by directing the Clerk also to procure the printing of the testimony before the committee, as reported by their clerk.

The amendment was accepted by Mr. Bingham.

Mr. Adams, of Manchester, moved to further amend by printing the Clerk's record of the proceedings of this forenoon, which was also accepted.

The motion of Mr. Bingham, as amended was then adopted.

On motion of Mr. Parker, of Merrimack, the House adjourned until Monday afternoon at 4 o'clock.

MONDAY AFTERNOON, August 29, 1864.

The House was called to order at 4 o'clock.

The journal of Friday was read and approved.

The following message was received from His Excellency the Governor, by the Secretary of State.

EXECUTIVE DEPARTMENT, }
Concord, August 29, 1864. }

Gentlemen of the Senate and House of Representatives :

I return to the House of Representatives, in which the same originated, a resolution recommending to me that I should apply to the banks and moneyed institutions of the

State for a temporary loan of money for the use of the State, and that failing to obtain from such sources the requisite amount, that I should then apply elsewhere. I have not affixed my signature to said resolution for the following reasons:

1st. It does not seem to be of a nature to require the signature of the Governor, being, simply advisory in its character and containing nothing of binding force, whether approved or disapproved by the Executive.

2d. It opens to the State no resources of supply other than those to which I have already had access without avail.

3d. I regard the scheme of obtaining so large a sum of money as the State immediately requires, by the payment of exorbitant rates of interest, regulated only by the option of the lender, as wholly impracticable, consistently with the interests and welfare of the tax-paying people of the State. In my message to the Legislature, of August 20, I recommended that the banks in this State, should be required by law to loan temporarily a per centage of their capital to relieve the present urgent necessities of the State. I believed then, and still believe that this course is the only one by means of which, with reasonable regard to the interests of the people, the honorary and pressing obligations of the State can be met.

The Legislature have disapproved my recommendation, (emanating as it did from a sincere and most urgent desire to effect an object of common interest), and instead thereof, have adopted a resolution, the spirit and terms of which could only be complied with at an expense of more than one hundred thousand dollars to the State, already sufficiently burdened with existing liabilities.

In returning this resolution, I respectfully recommend the appointment by the Legislature of a permanent Committee of Finance, composed of gentlemen in whose skill and judgment they shall have confidence, whose duty it shall be to raise, if possible, the amount of money necessary and sufficient to save the credit of the State from disgrace.

JOSEPH A. GILMORE.

Mr. Campbell, of Amherst, moved that the message be laid upon the table, which motion did not prevail.

Mr. Bingham, of Littleton, moved that the objection of the Governor be entered at large upon the journal, and that the House proceed to reconsider the resolution.

Which question being stated,

Mr. Clarke, of Manchester, moved that the message be referred to the Special Committee on Finance.

Mr. Bingham raised the point of order that the Constitution provided the method of action in such cases, and that the Constitution takes precedence of the rules of the House, and consequently the motion was out of order.

The Speaker ruled that it was not the duty of the Chair to enforce the provisions of constitutional law as rules of parliamentary law, or to compel members to observe their constitutional obligations—and also that inasmuch as it was his understanding that the resolution was not a joint resolution within the meaning of the Constitution, but simply an advisory resolution of both branches of the Legislature, which does not require the signature of the Governor,—he therefore could not rule the motion out of order, even if it were his duty to enforce the constitutional mode of action.

Mr. Little, of Manchester, appealed from the decision of the Chair, in which appeal Mr. Bingham joined.

And the question being stated,

Is the Speaker's decision correct?

On this question the yeas and nays were demanded;

Pending the call of which,

Mr. Campbell of Amherst, moved that the House adjourn.

The yeas and nays being demanded. were called, with the following result:

Those who voted in the affirmative were Messrs.

Rockingham County. Dow of Atkinson, Dimond, Currier of South Hampton.

Garroll County. Blaisdell of Madison, Hubbard of Tamworth.

Merrimack County. Harris of Boscawen, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Bunker.

Hillsborough County. Campbell of Amherst, Clarke of Manchester, Moore, Greenwood, Story.

Cheshire County. Cooke, Abbott, Willard, Mason of Marlborough, Stearns.

Sullivan County. Prentiss, Wellman of Cornish, Slader, Barton.

Grafton County. Hibbard, Smith of Enfield, Kimball, Cotton of Haverhill, Downs, Parker of Lisbon, Ash, Hoskins, Williams, Shute.

Coos County. Cone.

Those who voted in the negative were Messrs.

Rockingham County. York, Coleman of Newington, Batchelder of Newton, Batchelder of Nottingham, Wendell, Prescott of Raymond, Perkins of Rye, Cotton of Downs.

Strafford County. Bartlett of Lee, Leighton, Joy, Tuttle, Foss.

Belknap County. Dow of Barnstead, Colbath, Reynolds of Center Harbor, Dearborn, Prescott of Sanbornton.

Carroll County. Ayers, Pitman, Thompson of Conway, Eastman of Conway, Drew of Eaton, Taylor of Effingham, Bennett of Freedom, Hodge of Jackson, Warren, Roles, Hobbs, Blaisdell of Tuftonborough, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Clough, Hutchins, Doe, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Cate, Palmer, Calef, Watson, Harriman, Andrews.

Hillsborough County. Whittemore, Smith of Deering, Russell, Spaulding, McNeil, Coolidge, Baldwin, Little of Manchester, Connor, Bruce, Bailey of Nashua, Roby of Nashua, Fox, Sherburne, Taggart, Barrett, Emerson of Windsor.

Cheshire County. Jones of Marlow, Lombard, Starkey, Patten.

Grafton County. McLaughlin, Parker of Lempster, Rowell, Philbrick, Knowlton, Lewis, Gage.

Grafton County. Bailey of Alexandria, Whitcher, Sinclair, Hodgman, Dean, Eaton, Whitney, Quint, Morse of Hebron, Knight, Bingham, Eastman of Littleton, Quincy, Page of Thornton, Page of Warren, Campbell of Woodstock and Lincoln.

Coos County. Young of Clarksville, Ruggles, Cole, Wright of Erroll, Tubbs of Gorham, Plaisted, McIntire, Young of Stewartstown, Marshall of Stratford, Aldrich.

Yeas 37; nays 103.

No quorum voting, the Speaker stated that the motion was still before the House.

Mr. Bingham, stated that the Speaker having ruled that it did not take a quorum to adjourn asked if a quorum was necessary not to adjourn.

The Speaker ruled that a motion was not disposed of by reason of no quorum voting, and that it was still before the House and would again be put if requested by any member; that on a motion to adjourn the rule requiring a quorum for that purpose was suspended by necessity to carry the adjournment.

From this decision Mr. Sinclair, of Bethlehem, appealed and was joined by Mr. Little, of Manchester.

The Speaker ruled that the appeal was not in order pending the question of an adjournment.

Mr. Bingham, of Littleton, requested that the vote on adjournment be again taken.

The question being stated, the yeas and nays were called with the following result:

Those who voted in the affirmative were Messrs.

Rockingham County. Dow of Atkinson, Dimond.

Carroll County. Hubbard of Tamworth, Smith of Wakefield.

Merrimack County. Farnum, Elwell, Paige of Concord, Rolfe, Webster, Thompson of Concord.

Hillsborough County. Campbell of Amherst, Clarke of Manchester, Moore, Greenwood, Story.

Cheshire County. Cooke, Willard, Mason of Marlborough, Stearns.

Sullivan County. Prentiss, Barton.

Grafton County. Hibbard, Smith of Enfield, Kimball, Cotton of Haverhill, Williams, Shute.

Coos County. Cone.

Those who voted in the negative were Messrs.

Rockingham County. York, Coleman of Newington, Batchelder of Nottingham, Wendell, Prescott of Raymond, Perkins of Rye, Currier of South Hampton.

Strafford County. Bartlett of Lee, Leighton, Tuttle, Foss.

Belknap County. Dow of Barnstead, Colbath, Brown of Gilmanton, Dearborn, Prescott of Sanbornton.

Carroll County. Ayers, Pitman, Thompson of Conway, Eastman of Conway, Drew of Eaton, Taylor of Effingham, Bennett of Freedom, Hodge of Jackson, Warren, Blaisdell of Madison, Roles, Hobbs, Blaisdell of Tuftonborough, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Clough, Hutchins, Doe, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Bunker, Cate, Palmer, Calef, Watson, Harriman, Colby of Warner, Andrews.

Hillsborough County. Whittemore, Smith of Deering, Spaulding, McNiel, Coolidge, Baldwin, Little of Manchester, Connor, Bruce, Bailey of Nashua, Roby of Nashua, Fox, Taggart, Barrett, Emerson of Windsor.

Cheshire County. Jones of Marlow, Lombard, Starkey, Patten.

Sullivan County. McLaughlin, Parker of Lempster, Rowell, Philbrick, Knowlton, Lewis.

Grafton County. Bailey of Alexandria, Whiteher, Sinclair, Hodgman, Dean, Eaton, Whitney, Quint, Morse of Hebron, Knight, Bingham, Eastman of Littleton, Quincy, Page of Thornton, Page of Warren, Campbell of Woodstock and Lincoln.

Coos County. Young of Clarksville, Ruggles, Cole, Wright of Erroll, Tubbs of Gorham, Plaisted, Marshall of Stratford, Aldrich.

Yeas 28; nays 99.

And no quorum voted.

On motion of Mr. Sinclair, the Sergeant-at-arms was directed to proceed to the public houses and procure the attendance of members.

The Sergeant-at-arms being absent,

On motion of Mr. Aldrich, of Whitefield, the House proceeded to elect a Sergeant-at-arms, *pro tem.*, with the following result:

Whole number of votes cast,	113
Necessary for a choice,	57
E. H. Rollins had	1
Joseph A. Gilmore had	1
David M. Aldrich had	1
Harry Bingham had	1
Hiram Parker had	1
Stephen Greeley Clarke had	2
Levi W. Barton had	4
John H. George had	28
WILLIAM T. NORRIS had	74

—and William T. Norris, having a majority of all the votes cast, was declared elected Sergeant-at-arms, *pro tem.*, was duly sworn and entered upon the discharge of the duties of his office.

Mr. Dow, of Atkinson, here called for the motion to adjourn, which being stated, resulted on a call of the yeas and nays as follows.

Those who voted in the affirmative were Messrs.

Rockingham County. Dow of Atkinson, Dimond, Batchelder of Nottingham, Currier of South Hampton.

Strafford County. Bartlett of Lee.

Carroll County. Taylor of Effingham, Hubbard of Tamworth, Blaisdell of Tuftonborough, Smith of Wakefield.

Merrimack County. Harris of Boscawen, Elwell, Paige of Concord, Rolfe, Webster, Dana, Bunker.

Hillsborough County. Campbell of Amherst, Clarke of Manchester, Moore, Greenwood, Roby of Nashua, Sherburne, Story.

Cheshire County. Cooke, Willard, Mason of Marlborough, Jones of Marlow, Stearns.

Sullivan County. Prentiss, Wellman of Cornish, Slader, Parker of Lempster, Barton, Wilcox, Lewis.

Grafton County. Bailey of Alexandria, Hibbard, Kimball, Cotton of Haverhill, Parker of Lisbon, Ash, Williams, Shute.

Coos County. Cone, Wright of Erroll, Young of Stewartstown, Marshall of Stratford.

Those who voted in the negative were Messrs.

Rockingham County. York, Coleman of Newington, Wendell, Prescott of Raymond, Perkins of Rye, Woodbury.

Strafford County. Leighton, Tuttle, Foss.

Belknap County. Dow of Barnstead, Colbath.

Carroll County. Ayers, Pitman, Thompson of Conway, Eastman of Conway, Drew of Eaton, Bennett of Freedom, Hodge of Jackson, Warren, Roles, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Clough, Hutchins, Putney, Eastman of Loudon, Batchelder of Loudon, Cate, Palmer, Watson, Harrinan, Andrews.

Hillsborough County. Whittemore, Smith of Deering, Spaulding, Mc Niel, Coolidge, Little of Manchester, Bruce, Bailey of Nashua, Fox, Barrett, Emerson of Windsor.

Cheshire County. Starkey, Patten.

Sullivan County. McLaughlin, Philbrick, Knowlton, Gage.

Grafton County. Whitcher, Sinclair, Hodgman, Dean, Eaton, Morse of Hebron, Knight, Bingham, Eastman of Littleton, Quincy, Page of Warren, Campbell of Woodstock and Lincoln.

Coos County. Ruggles, Cole, Aldrich.

Yeas 47; nays 67.

And there was no quorum voting.

Mr. Bingham, raised the point of order that when the number necessary to form a quorum is fixed, without the presence of whom no business can be entered upon or proceeded with, the inability extends and applies to questions of adjournment as well as to other matters of business; and if a quorum is not present no question of adjournment can properly be proposed to the assembly itself for its decision, for it is not then in a condition to decide any question, the only thing that can be done in such an emergency is for the presiding officer to declare the House adjourned without putting the question.

A count of the House was then made and no quorum being present, the Speaker thereupon declared,

The House adjourned.

Tuesday, August 30, 1864.

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TUESDAY, August 30, 1864.

On motion of Mr. Sinclair, of Bethlehem, the rules were suspended, and the reading of the journal omitted.

Mr. True, of Antrim, from a Special Committee, submitted the following report:

The Special Committee to whom was recommitted the resolution in relation to the payment of absentees, have attended to their duty and ask leave to make the following report:

Upon examination of the resolution recommitted to them, they are of the opinion, that the language of the resolution, exactly conveyed the ideas and principles which they desired to present to the consideration of the House. But inasmuch as in the minds of several of the members of the House the said resolutions are crude and incomprehensible, they ask leave to present the following resolution as a new draft:

Resolved, That no member of the House of Representatives shall receive pay for travel or attendance at the present session of the Legislature, who has responded to no call of the roll or of the yeas and nays, and that the pay of each member be withheld for each and every week during which he did not respond to any call of the House or of the yeas and nays, and that the Clerk be instructed to make up the pay-roll accordingly.

Mr. Saunders, of Nashua, moved to amend by adding the following words:

"Provided that the provisions of this resolution shall not apply to any member who may hereafter be excused by vote of the House."

Mr. Patten, of Westmoreland, here called for the special order of the day, being the resolution reported by the majority of the committee on the bill relating to allowing soldiers to vote.

The resolution was read a second time.

And the question being stated,

Shall the resolution be read a third time?

The yeas and nays were demanded, and were called with the following result:

Those who voted in the affirmative were Messrs.

Rockingham County. Dow of Atkinson, Ladd, Gilchrist, Lane of Candia, Crawford, Dimond, Brown of Deerfield, Adams of Derry, Eastman of Derry, Currier of East Kingston, Clifford, Wingate, Giddings, Robinson of Fremont, Weeks of Greenland, Leavitt, Tilton, Marshall of Kingston, Platts, Dodge, Meloon, Creighton, Willey, Hurd, Walker, Haven, Moran, Hill of Portsmouth, Hackett, Tucker, Yeaton, Austin of Salem, Woodbury, Weare, Currier of South Hampton, Paul, French, Emerson of Windham.

Strafford County. Young of Barrington, Drew of Barrington, Wyatt, Morrill, Bickford, Wheeler of Dover, Brewster, Jones of Durham, Parker of Farmington, Curtis, Jones of Milton, Lyman, Wood, Wakefield.

Belknap County. Bennett of Alton, Emerson of Alton, Brown of Gilmanston, Robie of Gilford, Mansur, Wiggin, Burden, Stewart.

Carroll County. Blaisdell of Madison, Gould, Hubbard of Tamworth, Standley.

Merrimack County. Harris of Boscawen, Merriam, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Sargent, Aiken, Burleigh of Franklin, Nickelson, Bunker, Whitehouse, Little of Webster.

Hillsborough County. Campbell of Amherst, True, Riddle, Smith of Brookline, Hodge of Francetown, Greer, Kennedy, Pike, Goodrich of Lyndeborough, Pearson, Thayer, Hill of Manchester, Pulsifer, Martin, Clarke of Manchester, Johnson, Gardner, Montgomery, Moore, Knowles, Mitchell, Whittle, Adams of Manchester, Chamberlain, Parker of Merrimack, Sawyer of Milford, Wadleigh, Scripture, Saunders, Sawyer of Nashua, Wellman of Nashua, Greenwood, Rockwood, Davis of New Ipswich, Tubbs of Peterborough, Felt of Peterborough, Keyes, Story, Gove.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Bailey of Jaffrey, Abbott, Lane of Keene, Gates, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Stearns, Buckminster, Felt of Sullivan, Holbrook, Farrar, Bates, Humphrey of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Glidden, Colby of Claremont, Brewer, Briggs, Tracy, Wellman of Cornish, Fowler, Slader, Barton, Wilcox.

Grafton County. Hibbard, Taylor of Bristol, Bartlett of Canaan, Follansbee, Smith of Enfield, Clark of Enfield, Blood, Hubbard of Hanover, Dow of Hanover, Kimball, Cotton of Haverhill, Mason of Hill, Smith of Holderness, Hughes, Bailey of Lebanon, Downs, Parker of Lisbon, Ash, Hoskins, Thurston, Williams, Underhill, Rogers of Piermont, Marston.

Coos County. Harris of Colebrook, Cone, Roberts.

Those who voted in the negative were Messrs.

Rockingham County. York. Coleman of Newington, Stackpole, Batchelder of Newton, Batchelder of Nottingham, Odiorne, Wendell, Prescott of Raymond, Perkins of Rye, Cotton of Sandown.

Strafford County. Bartlett of Lee, Leighton, Joy, Tuttle, Foss.

Belknap County. Dow of Barnstead, Reynolds of Centre Harbor, Dearborn, Prescott of Sanbornton.

Carroll County. Ayers, Pitman, Thompson of Conway, Eastman of Conway, Drew of Eaton, Taylor of Bingham, Bennett of Freedom, Hodge of Jackson, Warren, Roles, Blaisdell of Tuftonborough, Smith of Wakefield, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Clough, Hutchins, Doe, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Dana, Cate, Reynolds of Pittsfield, Palmer, Calef, Watson, Harriman, Colby of Warner, Andrews.

Hillsborough County. Whittemore, Smith of Deering, Russell, Spaulding, McNeil, Coolidge, Baldwin, Little of Manchester, Connor, Bruce, Bailey of Nashua, Roby of Nashua, Fox, Sherburne, Taggart, Barrett, Emerson of Windsor.

Cheshire County. Chapin, Jones of Marlow, Weeks of Stoddard, Lombard, Starkey, Patten.

Sullivan County. McLaughlin, Parker of Lempster, Rowell, Philbrick, Knowlton, Lewis, Gage.

Grafton County. Bailey of Alexandria, Whiteher, Sinclair, Hodgman Dean, Eaton, Pease of Ellsworth and Waterville, Whitney, Quint, Morse of Hebron, Knight, Bingham, Eastman of Littleton, Shute Quincy, Page of Thornton, Page of Warren, Campbell of Woodstock and Lincoln.

Cook County. Young of Clarksville, Ruggles, Cole, Wright of Erroll, Tubbs of Gorham, Plaisted, McIntire, Young of Stewartstown, Marshall of Stratford, Aldrich.

Yeas 176; nays 112.

So the resolution was ordered to a third reading.

The House then resumed the consideration of the amendment proposed by Mr. Saunders, of Nashua, to the resolution relating to the pay of absentees.

The amendment was adopted.

Mr. Parker, of Farmington, moved to further amend by adding, "and provided also that no member shall be paid for any day during which he has not been in attendance."

And the question being stated,

Mr. Wingate, of Exeter, moved that the resolution be indefinitely postponed.

On this question the yeas and nays were demanded.

Pending the call of which,

On motion of Mr. Leavitt, of Hampton,

The House adjourned.

AFTERNOON.

The resolution relating to the bill allowing soldiers to vote, was read a third time, and on the question of its passage the yeas and nays were demanded and were called with the following result.

Those who voted in the affirmative were Messrs.

Rockingham County. Dow of Atkinson, Ladd, Gilchrist, Lane of Candia, Crawford, Dimond, Brown of Deerfield, Adams of Derry, Eastman of Derry, Clifford, Wingate, Giddings, Robinson of Fremont, Moulton, Leavitt, Tilton, Marshall of Kingston, Platts, Dodge, Meloon, Stackpole, Creighton, Willey, Hurd, Walker, Haven, Moran, Hill of Portsmouth, Hackett, Tucker, Yeaton, Austin of Salem, Woodbury, Weare, Carrier of South Hampton, French.

Stafford County. Young of Barrington, Drew of Barrington, Wyatt, Morrill, Bickford, Wheeler of Dover, Brewster, Nute, Jones of Durham, Parker of Farmington, Curtis, Jones of Milton, Lyman, Wood, Wakefield.

Bellnap County. Bennett of Alton, Emerson of Alton, Kelley, Robie of Gilford, Mansur, Wiggin, Burden, Stewart.

Carroll County. Blaisdell of Madison, Gould, Standley.

Merrimack County. Harris of Boscawen, Merriam, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Sargent, Burleigh of Franklin, Nickelson, Bunker, Whitehouse, Little of Webster.

Hillsborough County. Campbell of Amherst, True, Smith of Brookline, Hodge of Francestown, Greer, Kennedy, Pike, Goodrich of Lyndeborough, Hill of Manchester, Pulsifer, Martin, Clarke of Manchester, Johnson, Gardner, Montgomery, Moore, Knowles, Mitchell, Whittle, Adams of Manchester, Chamberlain, Parker of Merrimack, Sawyer of Milford, Wadleigh, Scripture, Saunders, Sawyer of Nashua, Wellman of Nashua, Greenwood, Rockwood, Davis of New Ipswich, Felt of Peterborough, Keyes, Story, Gove.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Bailey of Jaffrey, Abbott, Lane of Keene, Gates, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Stearns, Buckminster, Felt of Sullivan, Holbrook, Bates, Humphrey of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Glidden, Colby of Claremont, Brewer, Briggs, Tracy, Wellman of Cornish, Barton.

Grafton County. Hibbard, Bartlett of Canaan, Follansbec, Smith of Enfield, Clark of Enfield, Blood, Hubbard of Hanover, Dow of Hanover, Kimball, Cotton of Haverhill, Mason of Hill, Smith of Holderness, Hughes, Bailey of Lebanon, Downs, Parker of Lisbon, Ash, Hoskins, Thurston, Williams, Underhill, Rogers of Piermont, Marston, Shute.

Coos County. Harris of Colebrook, Cone, Roberts.

Those who voted in the negative were Messrs.

Rockingham County. York, Coleman of Newington, Batchelder of Newton, Batchelder of Nottingham, Odiome, Wendell, Prescott of Raymond, Perkins of Rye, Cotton of Sandown.

Strafford County. Bartlett of Lee, Joy, Tuttle, Foss.

Belknap County. Dow of Barnstead, Colbath, Reynolds of Centre Harbor, Dearborn, Prescott of Sanbornton.

Carroll County. Ayers, Pitman, Thompson of Conway, Eastman of Conway, Drew of Eaton, Taylor of Effingham, Bennett of Freedom, Hodge of Jackson, Warren, Roles, Hobbs, Blaisdell of Tuftonborough, Smith of Wakefield, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Clough, Hutchins, Doe, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Dana, Reynolds of Pittsfield, Palmer, Caled, Watson, Harriman, Colby of Warner, Andrews.

Hillsborough County. Whittemore, Smith of Deering, Russell, Spaulding, McNiel, Coolidge, Baldwin, Greeley, Little of Manchester, Bruce, Bailey of Nashua, Roby of Nashua, Fox, Sherburne, Taggart, Barrett.

Cheshire County. Chapin, Jones of Marlow, Weeks of Stoddard, Lombard, Starkey, Patten.

Sullivan County. McLaughlin, Slader, Parker of Lempster, Rowell, Philbrick, Knowlton, Lewis, Gage.

Grafton County. Bailey of Alexandria, Whitchee, Sinclair, Hodgman, Dean, Eaton, Pease of Ellsworth and Waterville, Whitney, Quint, Morse of Hebron, Knight, Bingham, Eastman of Littleton, Quincy, Page of Thornton, Page of Warren, Campbell of Woodstock and Lincoln.

Cos County. Young of Clarksville, Ruggles, Cole, Wright of Erroll, Tubbs of Gorham, Plaisted, McIntire, Young of Stewartstown, Marshall of Stratford, Aldrich.

Yeas 166; nays 110.

So the resolution passed, and was sent to the Senate for concurrence.

The House then resumed the consideration of the unfinished business of the forenoon—being the resolution relating to the pay of absentees.

The question being on the motion to indefinitely postpone,

Debate intervening, Mr. True, of Antrim, called for the previous question.

And the question being stated,

Shall the main question be now put?

It was decided in the affirmative.

The question then recurring,

Shall the amendment proposed by Mr. Parker, of Farmington, be adopted?

It was decided in the negative.

The resolution was then adopted.

On motion of Mr. Saunders, of Nashua, the rules were suspended, and the resolution in favor of Thos. Hale & Co., was read a second time and ordered to a third reading.

On motion of Mr. Barton, of Newport, the rules were suspended, and the resolution was read a third time, passed, and sent to the Senate for concurrence.

The House then resumed the consideration of the resolution relating to the reference of the journal of the afternoon session of the House, of August 24th, to the special committee appointed to inquire whether the act allowing soldiers to vote has become a law?

The question recurring,

Shall the resolution pass?

It was decided in the affirmative, and the journal of yesterday was so referred.

Mr. Hodgman, of Campton, introduced the following resolution:

Be it resolved by the Senate and House of Representatives in General Court convened, That we the Representatives of the citizens of New Hampshire, without distinction of party, and in sentiment devoted to the Constitution and the Union which our fathers bequeathed to us and our posterity, would respectfully petition and request the President of the United States to postpone the draft for five hundred thousand men, which is to take place on the fifth day of September next, until an attempt shall have been made by an armistice, or by negotiation, or in some other manner, to secure a peace, alike honorable to each and every State and the citizens thereof, which peace shall be based on the Constitution and the Union, and that the Governor be requested to transmit a copy of this resolution to the President of the United States.

The resolution was read a first time and refused a second reading by the following vote.

Those who voted in the affirmative were Messrs.

Rockingham County. Lane of Candia, York, Coleman of Newington, Batchelder of Newton, Batchelder of Nottingham, Odiorne, Wendell, Prescott of Raymond, Perkins of Rye, Cotton of Sandown.

Strafford County. Parker of Farmington, Bartlett of Lee, Leighton, Joy, Tuttle, Foss.

Belknap County. Dow of Barnstead, Colbath, Reynolds of Centre Harbor, Dearborn, Prescott of Sanbornton.

Carroll County. Ayers, Pitman, Eastman of Conway, Drew of Eaton, Taylor of Effingham, Bennett of Freedom, Hodge of Jackson, Warren, Roles, Hobbs, Blaisdell of Tuftonborough, Smith of Wakefield, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Clough, Hutchins, Doe, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Dana, Reynolds of Pittsfield, Palmer, Calef, Watson, Harriman, Colby of Warner, Andrews.

Hillsbrough County. Whittemore, Smith of Deering, Russell, Spaulding, McNeil, Coolidge, Baldwin, Little of Manchester, Connor, Bruce, Bailey of Nashua, Roby of Nashua, Fox, Sherburne, Taggart, Barrett, Emerson of Windsor.

Cheshire County. Chapin, Jones of Marlow, Weeks of Stoddard, Lombard, Starkey, Paten.

Sullivan County. McLaughlin, Parker of Lempster, Rowell, Philbrick, Knowlton, Lewis, Gage.

Grafton County. Bailey of Alexandria, Whitcher, Sinclair, Hodgman, Dean, Eaton, Pease of Ellsworth and Waterville, Whitney, Quint, Morse of Hebron, Knight, Bingham, Eastman of Littleton, Quincy, Page of Thornton, Page of Warren, Campbell of Woodstock and Lincoln.

Cook County. Young of Clarksville, Ruggles, Wright of Erroll, Plaisted, McIntire, Young of Stewartstown, Marshall of Stratford, Aldrich.

Those who voted in the negative were Messrs.

Rockingham County. Dow of Atkinson, Ladd, Gilchrist, Crawford, Diamond, Brown of Deerfield, Currier of East Kingston, Clifford, Robinson of Fremont, Weeks of Greenland, Tilton, Marshall of Kingston, Platts, Dodge, Meloon, Stackpole, Creighton, Willey, Hurd, Walker, Haven, Moran, Hill of Portsmouth, Tucker, Yeaton, Austin of Salem, Woodbury, Weare, Currier of South Hampton, French, Emerson of Windham.

Strafford County. Young of Barrington, Drew of Barrington, Wyatt, Morrill, Bickford, Wheeler of Dover, Brewster, Curtis, Jones of Milton, Lyman, Wood, Wakefield.

Belknap County. Bennett of Alton, Emerson of Alton, Kelley, Brown of Gilmanton, Robie of Gilford, Mansur, Wiggin, Burden, Stewart.

Carroll County. Blaisdell of Madison, Gould, Hubbard of Tamworth, Standley.

Merrimack County. Harris of Boscawen, Merriam, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Sargent, Aiken, Burleigh of Franklin, Dustin, Nickelson, Bunker, Whitehouse, Little of Webster.

Hillsborough County. Campbell of Amherst, True, Smith of Brookline, Hodge of Frankestown, Greer, Kennedy, Pike, Goodrich of Lyndeborough, Pearson, Hill of Manchester, Pulsifer, Martin, Clarke of Manchester, Johnson, Gardner, Montgomery, Moore, Knowles, Mitchell, Whittle, Chamberlain, Sawyer of Milford, Wadleigh, Saunders, Greenwood, Rockwood, Davis of New Ipswich, Tubbs of Peterborough, Felt of Peterborough, Keyes, Story, Gove.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Bailey of Jaffrey, Abbott, Lane of Keene, Gates, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Starns, Buckminster, Felt of Sullivan, Holbrook, Bates, Humphrey of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Glidden, Colby of Claremont, Brewer, Briggs, Tracy, Wellman of Cornish, Fowler, Slader, Barton, Wilcox.

Grafton County. Hibbard, Bartlett of Canaan, Follansbee, Smith of Enfield, Clark of Enfield, Blood, Hubbard of Hanover, Dow of Hanover, Kimball, Cotton of Haverhill, Mason of Hill, Smith of Holderness, Hughes, Bailey of Lebanon, Downs, Parker of Lisbon, Ash, Hoskins, Thurston, Williams, Underhill, Rogers of Piermont, Marston, Shute.

Coos County. Harris of Colebrook, Cone, Legro, Roberts.

Yeas 109; nays 163.

The House then resumed the consideration of the unfinished business of yesterday, being upon the appeal of Messrs. Little, of Manchester, and Bingham, of Littleton, from the decision of the Speaker relative to the reference of the message of His Excellency the Governor to the Special Committee on Finance.

The House sustained the decision of the Speaker by the following vote.

Those who voted in the affirmative were Messrs.

Rockingham County. Dow of Atkinson, Ladd, Gilchrist, Lane of Candia, Crawford, Dimond, Brown of Deerfield, Eastman of Derry, Currier of East Kingston, Clifford, Wingate, Robinson of Fremont, Weeks of Greenland, Tilton, Marshall of Kingston, Platts, Dodge, Meloon, Stackpole, Creighton, Willey, Hurd, Walker, Haven, Moran, Hill of Portsmouth, Tucker, Yeaton, Austin of Salem, Woodbury, Weare, Currier of South Hampton, French, Emerson of Windham.

Strafford County. Young of Barrington, Drew of Barrington, Wyatt, Morrill, Bickford, Wheeler of Dover, Brewster, Jones of Durham, Curtis, Jones of Milton, Lyman, Wood, Wakefield.

Belknap County. Bennett of Alton, Emerson of Alton, Kelley, Brown of Gilmanston, Robie of Gilford, Mansur, Wiggins, Burden, Stewart.

Carroll County. Blaisdell of Madison, Gould, Hubbard of Tamworth, Standley.

Merrimack County. Harris of Boscawen, Merriam, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Sargent, Aiken, Burleigh of Franklin, Nickelson, Bunker, Whitehouse, Little of Webster.

Hillsborough County. Campbell of Amherst, True, Smith of Brookline, Hodge of Francetown, Greer, Kennedy, Pike, Goodrich of Lyndeborough, Pearson, Hill of Manchester, Pulsifer, Martin, Clarke of Manchester, Johnson, Gardner, Montgomery, Moore, Knowles, Mitchell, Whittle, Parker of Merrimack, Sawyer of Milford, Wadleigh, Saunders, Greenwood, Rockwood, Davis of New Ipswich, Tubbs of Peterborough, Felt of Peterborough, Keyes, Story, Gove.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Bailey of Jaffrey, Abbott, Lane of Keene, Gates, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Stearns, Felt of Sullivan, Farrar, Bates, Humphrey of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Glidden, Colby of Claremont, Brewer, Briggs, Tracy, Wellman of Cornish, Fowler, Slader, Barton, Wilcox.

Grafton County. Hibbard, Bartlett of Canaan, Follansbee, Smith of Enfield, Clark of Enfield, Blood, Hubbard of Hanover, Dow of Hanover, Kimball, Cotton of Haverhill, Mason of Hill, Smith of Holderness, Hughes, Bailey of Lebanon, Downs, Parker of Lisbon, Ash, Hoskins, Thurston, Williams, Underhill, Rogers of Piermont, Marston, Shute.

Coos County. Harris of Colebrook, Cone, Wright of Erroll, Legro, Roberts.

Those who voted in the negative were Messrs.

Rockingham County. York, Coleman of Newington, Batchelder of Newton, Batchelder of Nottingham, Odiorne, Wendell, Prescott of Raymond, Perkins of Rye, Cotton of Sandown.

Strafford County. Bartlett of Lee, Leighton, Joy, Tuttle, Foss.

Belknap County. Dow of Barnstead, Colbath, Reynolds of Centre Harbor, Dearborn, Prescott of Sanbornton.

Carroll County. Pitman, Thompson of Conway, Drew of Eaton, Taylor of Effingham, Bennett of Freedom, Hodge of Jackson, Warren, Roles, Hobbs, Blaisdell of Tuftonborough, Smith of Wakefield, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Clough, Hutchins, Doe, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Dana, Reynolds of Pittsfield, Palmer, Calef, Watson, Harriman, Colby of Warner, Andrews.

Hillsborough County. Whittemore, Smith of Deering, Russell, Spaulding, McNeil, Coolidge, Baldwin, Little of Manchester, Connor, Bruce, Bailey of Nashua, Cahill, Roby of Nashua, Fox, Sherburne, Taggart, Barrett, Emerson of Windsor.

Cheshire County. Chapin, Jones of Marlow, Weeks of Stoddard, Lombard, Starkey, Patten.

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Sullivan County. McLaughlin, Parker of Lempster, Rowell, Philbrick, Knowlton, Lewis, Gage.

Grafton County. Bailey of Alexandria, Whiteher, Sinclair, Hodgman, Dean, Eaton, Pease of Ellsworth and Waterville, Whitney, Quint, Morse of Hebron, Knight, Bingham, Eastman of Littleton, Quincy, Page of Thornton, Page of Warren, Campbell of Woodstock and Lincoln.

Cook County. Young of Clarksville, Ruggles, Cole, Tubbs of Gorham, Plaisted, McIntire, Young of Stewartstown, Marshall of Stratford, Aldrich.

Yeas 165: nays 108.

The message was then referred to the Special Committee on Finance.

On motion of Mr. Crawford, of Chester,

The House adjourned.

WEDNESDAY, August 31, 1864.

On motion of Mr. Wingate, of Exeter, the reading of the journal was omitted.

Mr. Coleman, of Newington, presented the petition of Charles A. Dearborn and others, citizens of Greenland, praying for the passage of resolutions setting forth the desire of our people for a speedy and honorable peace, which was referred to the Committee on the Judiciary.

On motion of Mr. Gould, of Sandwich,

Resolved, That a committee of three be appointed by the Speaker for the purpose of receiving excuses of members under the resolution passed in relation to their pay, and report the same to the Clerk of the House.

Messrs. Gould, of Sandwich, Saunders, of Nashua, and Quincy, of Rumney, were appointed said committee.

Mr. Little, of Manchester, introduced the following joint resolution:

Resolved by the Senate and House of Representatives in General Court convened, That the business of the session be brought to a close on Thursday, the 1st day of September, 1864.

Mr. Parker of Farmington moved that the resolution be laid upon the table.

On this question the yeas and nays were called, and were as follows:

Those who voted in the affirmative were Messrs.

Rockingham County. Dow of Atkinson, Ladd, Gilchrist, Eastman of Derry, Currier of East Kingston, Wingate, Robinson of Fremont, Weeks of Greenland, Tilton, Marshall of Kingston, Dodge, Meloan, Coleman of Newington, Stackpole, Creighton, Hurd, Walker, Haven, Moran, Hill of Portsmouth, Hackett, Tucker, Yeaton, Austin of Salem, Woodbury, Weare, French, Emerson of Windham.

Strafford County. Young of Barrington, Baker, Wyatt, Bickford, Jones of Durham, Parker of Farmington, Curtis, Austin of Madbury, Jones of Milton, Lyman, Hall of Rochester, Horne, Hayes, Wood, Burleigh of Somersworth, Wakefield.

Bellknap County. Brown of Gilmanton, Robie of Gilford, Mansur, Wiggin, Stewart.

Carroll County. Coleman of Brookfield, Blaisdell of Madison, Gould, Standley.

Merrimack County. Harris of Boscawen, Merriam, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Sargent, Burleigh of Franklin, Nickelson, Bunker.

Hillsborough County. Campbell of Amherst, Riddle, Hodge of Frances-town, Greer, Kennedy, Greeley, Pike, Goodrich of Lyndeborough, Thayer, Hill of Manchester, Pulsifer, Clarke of Manchester, Johnson, Montgomery, Knowles, Mitchell, Whittle, Parker of Merrimack, Sawyer of Milford, Wadleigh, Saunders, Greenwood, Keyes.

Cheshire County. Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Bailey of Jaffrey, Abbott, Lane of Keene, Gates, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Stearns, Felt of Sullivan, Farrar, Bates, Perkins of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Colby of Claremont, Briggs, Tracy, Wellman of Cornish, Humphrey of Croydon, Fowler, Slader, Barton, Wilcox.

Grafton County. Hibbard, Bartlett of Canaan, Follansbee, Smith of Enfield, Clark of Enfield, Blood, Hubbard of Hanover, Dow of Hanover, Kimball, Cotton of Haverhill, Mason of Hill, Smith of Holderness, Bailey of Lebanon, Ash, Hoskins, Thurston, Williams, Underhill, Rogers of Piermont, Shute.

Cos County. Harris of Colebrook, Cone, Legro, Roberts.

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Those who voted in the negative were Messrs.

Rockingham County. Lane of Candia, Dimond, Brown of Deerfield, York, Platts, Batchelder of Newton, Batchelder of Nottingham, Odiorne, Wendell, Cotton of Sandown, Currier of South Hampton, Paul.

Strafford County. Drew of Barrington, Brewster, Bartlett of Lee, Joy, Tuttle, Foss.

Bellnap County. Bennett of Alton, Dow of Barnstead, Reynolds of Centre Harbor, Dearborn, Prescott of Sanbornton.

Carroll County. Ayers, Pitman, Thompson of Conway, Drew of Eaton, Taylor of Effingham, Bennett of Freedom, Hodge of Jackson, Warren, Hobbs, Blaisdell of Tuftonborough, Smith of Wakefield, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Hutchins, Doe, Putney, Eastman of Loudon, Batchelder of Loudon, Dana, Cate, Reynolds of Pittsfield, Palmer, Calef, Watson, Harri-
man, Colby of Warner, Andrews.

Hillsborough County. True, Smith of Deering, Spaulding, McNeil, Coolidge, Baldwin, Little of Manchester, Bruce, Bailey of Nashua, Sawyer of Nashua, Cahill, Rockwood, Roby of Nashua, Fox, Davis of New Ipswich, Sherburne, Felt of Peterborough, Taggart, Emerson of Windsor.

Cheshire County. Chapin, Jones of Marlow, Weeks of Stoddard, Lombard, Starkey, Patten.

Sullivan County. Brewer, McLaughlin, Parker of Lempster, Rowell, Philbrick, Knowlton, Gage.

Grafton County. Bailey of Alexandria, Whitcher, Sinclair, Taylor of Bristol, Hodgman, Dean, Whitney, Quint, Morse of Hebron, Knight, Bing-
ham, Eastman of Littleton, Quincy, Page of Thornton, Page of Warren.

Coos County. Wheeler of Berlin, Young of Clarksville, Ruggles, Cole, Wright of Erroll, Tubbs of Gorham, Plaisted, McIntire, Young of Stew-
artstown, Marshall of Stratford.

Yeas 140; nays 111.

And the resolution was laid upon the table.

By leave, Mr. Cotton, of Haverhill, introduced a bill entitled An act to prevent persons liable to do military service escaping from the State to avoid such duty, which was read a first and second time, and referred to the Committee on the Judiciary.

On motion of Mr. Barton, of Newport, leave was granted the Committee on the Judiciary to sit during the session of the House this forenoon.

The following message was received from the Senate by Mr. Bartlett, their Clerk:

Mr. Speaker—

I am directed by the Honorable Senate, to transmit to the House of Representatives a copy of the decision of the Justices of the Supreme Judicial Court upon the constitutionality of an act passed at the present session of the Legislature entitled An act to enable the qualified voters of this State engaged in the military service of the country to vote for Electors of President and Vice President of the United States and for Representatives in Congress.

On motion of Mr. Bingham, of Littleton, the usual number of printed copies of the opinion were ordered for the use of the House.

Mr. French, of Stratham, introduced the following joint resolution, which was read a first time, and refused a second reading:

Resolved, by the Senate and House of Representatives in General Court convened, That the sum of one hundred dollars be and the same is hereby appropriated to purchase suitable and necessary furniture for the Treasurer's office, said sum to be paid out of any money in the treasury not otherwise appropriated.

Mr. Barton, of Newport, introduced the following joint resolution, which was adopted:

Resolved by the Senate and House of Representatives in General Court convened, That His Excellency the Governor be requested to inform the war department that volunteers are rapidly enlisting to fill the quota of the State under the existing call for 500,000 men, and to request that the draft may be postponed so long as volunteering continues with the probability that the whole quota may be thereby filled.

Mr. Coolidge, of Hillsborough, introduced the following joint resolution:

Resolved by the Senate and House of Representatives in General Court convened, That upon the payment of the sum of one hundred dollars by any enrolled man in this State to the

State Treasurer, the Governor shall forthwith proceed to cause a substitute to be mustered into the service of the United States for the term of one year, and the exemption papers for said enrolled men shall be deposited with said Treasurer subject to call of said enrolled men, and the Governor is hereby authorized to draw his warrant upon the Treasurer for such sums of money as may be necessary to carry this joint resolution into effect.

The resolution was read a first time, and refused a second reading by the following vote:

Those who voted in the affirmative were Messrs.

Rockingham County. York, Batchelder of Newton, Odiorne, Wendell, Cotton of Sandown.

Strafford County. Drew of Barrington, Bartlett of Lee, Joy, Tuttle, Foss.

Belknap County. Dow of Barnstead, Colbath, Reynolds of Centre Harbor, Dearborn, Prescott of Sanbornton.

Carroll County. Ayers, Pitman, Thompson of Conway, Eastman of Conway, Drew of Eaton, Bennett of Freedom, Hodge of Jackson, Warren, Blaisdell of Madison, Hobbs, Blaisdell of Tuftonborough, Smith of Wakefield, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Clough, Hutchins, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Dana, Cate, Reynolds of Pittsfield, Palmer, Calef, Watson, Harriman, Andrews.

Hillsborough County. Smith of Deering, Russell, Spaulding, McNeil, Coolidge, Baldwin, Little of Manchester, Connor, Bruce, Bailey of Nashua, Cahill, Rockwood, Roby of Nashua, Fox, Taggart, Emerson of Windsor.

Cheshire County. Smith of Dublin, Chapin, Gates, Willard, Jones of Marlow, Weeks of Stoddard, Felt of Sullivan, Holbrook, Lombard, Starkey, Farrar, Patten.

Sullivan County. McLaughlin, Parker of Lempster, Rowell, Philbrick, Knowlton, Gage.

Grafton County. Bailey of Alexandria, Whiteher, Sinclair, Hodgman, Dean, Eaton, Pease of Ellsworth and Waterville, Quint, Morse of Hebron, Knight, Bingham, Eastman of Littleton, Williams, Quincy, Page of Thorton, Page of Warren, Campbell of Woodstock and Lincoln.

Coos County. Young of Clarksville, Ruggles, Cole, Wright of Erroll, Plaisted, Young of Stewartstown, Marshall of Stratford.

Those who voted in the negative were Messrs.

Rockingham County. Dow of Atkinson, Ladd, Gilchrist, Lane of Candia, Crawford, Dimond, Brown of Deerfield, Adams of Derry, Eastman of Derry, Currier of East Kingston, Wingate, Robinson of Fremont, Weeks of Greenland, Tilton, Marshall of Kingston, Platts, Dodge, Coleman of Newington, Stackpole, Creighton, Willey, Batchelder of Nottingham, Hurd, Walker, Haven, Moran, Hill of Portsmouth, Hackett, Tucker, Yeaton, Austin of Salem, Woodbury, Weare, Currier of South Hampton, French, Emerson of Windham.

Strafford County. Young of Barrington, Baker, Wyatt, Morrill, Bickford, Brewster, Parker of Farmington, Curtis, Leighton, Jones of Milton, Lyman, Hall of Rochester, Horne, Hayes, Wood, Burleigh of Somersworth, Wakefield.

Belknap County. Bennett of Alton, Brown of Gilmanton, Robie of Gilford, Mansur, Wiggin, Burden, Stewart.

Carroll County. Coleman of Brookfield, Gould, Standley,

Merrimack County. Harris of Boscawen, Merriam, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Sar- gent, Doe, Burleigh of Franklin, Dustin, Nickelson, Bunker, Whitehouse.

Hillsborough County. Campbell of Amherst, True, Riddle, Smith of Brookline, Hodge of Francestown, Greer, Kennedy, Greeley, Goodrich of Lynde- borough, Thayer, Hill of Manchester, Pulsifer, Johnson, Gardner, Montgom- ery, Moore, Knowles, Mitchell, Whittle, Adams of Manchester, Parker of Merrimack, Sawyer of Milford, Wadleigh, Scripture, Saunders, Greenwood, Davis of New Ipswich, Tubbs of Peterborough, Felt of Peterborough, Keyes.

Cheshire County. Goodrich of Chesterfield, Whitcomb, Bailey of Jaffrey, Abbott, Lane of Keene, Barker, Mason of Marlborough, Goodhue of Nel- son, Stearns, Bates, Perkins of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Colby of Clare- mont, Briggs, Tracy, Wellman of Cornish, Humphrey of Croydon, Fowler Slader, Barton, Wilcox.

Grafton County. Hibbard, Taylor of Bristol, Bartlett of Canaan, Fol- lansbee, Smith of Enfield, Clark of Enfield, Whitney, Blood, Hubbard of Hanover, Dow of Hanover, Kimball, Cotton of Haverhill, Mason of Hill, Smith of Holderness, Bailey of Lebanon, Parker of Lisbon, Ash, Hoskins, Thurston, Underhill, Rogers of Piermont, Marston, Shute.

Coos County. Harris of Colebrook, Cone, Legro, Roberts, McIntire, Al- drich.

Yeas 103; nays 157.

[Mr. Clarke, of Manchester, in the Chair.]

Mr. Campbell, of Amherst, from the Special Committee on Finance, to whom was referred so much of His Excellency the Governor's message of August 29, as relates to the appointment of a permanent Finance Committee, reported that in their opinion, the appointment of such committee would involve a radical change in the financial system of the State, which it would be inexpedient to inaugurate at this late day of the session, and being of the further opinion, that proper effort under the existing laws would readily obtain the necessary temporary loan at a reasonable rate of interest, and recommended the passage of the following resolution:

Resolved, That the further consideration of the subject be indefinitely postponed.

The question being stated,

Shall the resolution be adopted?

The yeas and nays were called, with the following result:

Those who voted in the affirmative were Messrs.

Rockingham County. Dow of Atkinson, Ladd, Gilchrist, Dimond, Brown of Deerfield, Eastman of Derry, Currier of East Kingston, Wingate, Robinson of Fremont, Weeks of Greenland, Tilton, Marshall of Kingston, Platts, Stackpole, Creighton, Hurd, Walker, Hill of Portsmouth, Tucker, Yeaton, Austin of Salem, Woodbury, Weare, Paul, French, Emerson of Windham.

Strafford County. Young of Barrington, Baker, Wyatt, Morrill, Bickford, Brewster, Parker of Farmington, Curtis, Austin of Madbury, Jones of Milton, Lyman, Hall of Rochester, Horne, Hayes, Wood, Wakefield.

Belknap County. Robie of Gilford, Wiggin, Burden, Stewart, Dearborn

Carroll County. Coleman of Brookfield, Bennett of Freedom, Blaisdell of Madison, Gould, Hubbard of Tamworth, Standley, Goldsmith.

Merrimack County. Pease of Allenstown, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Sargent, Burleigh of Franklin, Dustin, Nickelson, Bunker, Cate, Whitehouse, Calef, Harrimar.

Hillsborough County. True, Smith of Brookline, Hodge of Francestown, Greer, Kennedy, Greeley, Pike, Goodrich of Lyndeborough, Thayer, Hill of Manchester, Pulsifer, Johnson, Gardner, Montgomery, Moore, Knowles, Mitchell, Whittle, Adams of Manchester, Parker of Merrimack, Sawyer of Milford, Wadleigh, Scripture, Sawyer of Nashua, Greenwood, Rockwood, Cochran, Davis of New Ipswich, Tubbs of Peterborough, Felt of Peterborough, Taggart, Keyes.

Cheshire County. Goodrich of Chesterfield, Whitcomb, Chapin, Bailey of Jaffrey, Abbott, Lane of Keene, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Buckminster, Farrar, Clark of Walpole, Bates, Humphrey of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Colby of Claremont, Briggs, Tracy, Humphrey of Croydon, Fowler, Slader, Barton, Wilcox.

Grafton County. Hibbard, Bartlett of Canaan, Follansbee, Eaton, Smith of Enfield, Clark of Enfield, Hubbard of Hanover, Dow of Hanover, Cotton of Haverhill, Mason of Hill, Smith of Holderness, Bailey of Lebanon, Downs, Parker of Lisbon, Ash, Thurston, Underhill, Rogers of Piermont, Marston, Shute.

Coos County. Roberts.

Those who voted in the negative were Messrs.

Rockingham County. Crawford, Meloon, Coleman of Newington, Batchelder of Newton, Batchelder of Nottingham, Odiorne, Wendell, Cotton of Sandown.

Strafford County. Bartlett of Lee, Leighton, Joy, Tuttle, Foss.

Belknap County. Bennett of Alton, Dow of Barnstead, Colbath, Reynolds of Centre Harbor, Brown of Gilmanton, Prescott of Sanbornton.

Carroll County. Ayers, Pitman, Thompson of Conway, Eastman of Conway, Drew of Eaton, Taylor of Effingham, Hodge of Jackson, Warren, Hobbs, Blaisdell of Tuftonborough, Smith of Wakefield, Rogers of Wolfborough.

Merrimack County. Swett, Goodhue of Bow, Sawyer of Bradford, Clough, Hutchins, Doe, Putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Reynolds of Pittsfield, Palmer, Watson, Colby of Warner, Andrews.

Hillsborough County. Smith of Deering, Spaulding, McNeil, Coolidge, Baldwin, Little of Manchester, Connor, Bruce, Roby of Nashua, Fox, Sherburne, Emerson of Windsor.

Cheshire County. Smith of Dublin, Gates, Jones of Marlow, Weeks of Stoddard, Felt of Sullivan, Lombard, Starkey, Patten.

Sullivan County. Brewer, Wellman of Cornish, McLaughlin, Parker of Lempster, Rowell, Philbrick, Knowlton, Gage.

Grafton County. Bailey of Alexandria, Whitcher, Sinclair, Taylor of Bristol, Hodgman, Dean, Pease of Ellsworth and Waterville, Whitney, Quint, Blood, Morse of Hebron, Knight, Bingham, Eastman of Littleton, Williams, Page of Thornton, Page of Warren.

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Coos County. Young of Clarksville, Ruggles, Cole, Wright of Erroll, Plaisted, McIntire, Young of Stewartstown, Marshall of Stratford, Aldrich, Wheeler of Berlin.

Yeas 149; nays 102.

So the resolution was adopted.

On motion of Mr. Parker, of Merrimack,

The House adjourned.

AFTERNOON.

The following message was received from the Senate by their Clerk.

Mr. Speaker:

The Senate concur with the House in the passage of the resolution relating to the act allowing soldiers to vote.

The Senate ask the concurrence of the House of Representatives in the passage of a resolution referring the soldiers voting bill and other papers to the Supreme Judicial Court.

The Senate have passed the House resolution in favor of Thomas Hale & Co., with an amendment to the same, in the adoption of which amendment they ask the concurrence of the House of Representatives.

The question before the House being,

Will the House concur in the amendment proposed by the Senate to the resolution in favor of Thomas Hale & Co.?

A division of the amendment was called for.

The question now being

Shall the first division of the amendment be adopted, viz.:

"That Cogswell and Sturtevant be paid eleven dollars and twenty-five cents in full for their account?"

It was decided in the negative.

The second division of the amendment, viz.: "and that Rev. B. F. Bowles, Chaplain of the House of Representatives, shall receive the same mileage and per diem pay as members of the Legislature," was then concurred in.

The House then concurred in the passage of a resolution referring the soldiers' voting bill and other papers to the Supreme Judicial Court, by the following vote:

Those who voted in the affirmative were Messrs.

Rockingham County. Dow of Atkinson, Ladd, Gilchrist, Lane of Candia, Dimond, Currier of East Kingston, Wingate, Giddings, Tilton, Marshall of Kingston, Platts, Dodge, Stackpole, Creighton, Willey, Hurd, Walker, Moran, Hill of Portsmouth, Hackett, Tucker, Yeaton, Austin of Salem, Woodbury, Weare, French, Emerson of Windham.

Strafford County. Young of Barrington, Drew of Barrington, Baker, Wyatt, Morrill, Bickford, Brewster, Parker of Farmington, Curtis, Jones of Milton, Lyman, Hall of Rochester, Hayes, Wood, Wakefield.

Belknap County. Bennett of Alton, Colbath, Brown of Gilmanton, Robie of Gilford, Mansur, Wiggin, Burden.

Carroll County. Coleman of Brookfield, Blaisdell of Madison, Gould, Standley, Blaisdell of Tuftonborough.

Merrimack County. Harris of Boscawen, Merriam, Farnum, Elwell, Webster, Thompson of Concord, Sargent, Dustin, Nickelson, Bunker, Whitehouse, Little of Webster.

Hillsborough County. Campbell of Amherst, True, Riddle, Smith of Brookline, Hodge of Francestown, Greer, Kennedy, Greeley, Pike, Goodrich of Lyndeborough, Thayer, Hill of Manchester, Pulsifer, Clarke of Manchester, Johnson, Moore, Knowles, Mitchell, Whittle, Adams of Manchester, Parker of Merrimack, Sawyer of Milford, Scripture, Saunders, Sawyer of Nashua, Greenwood, Rockwood, Davis of New Ipswich, Tubbs of Peterborough, Felt of Peterborough, Keyes, Story, Gove.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Bailey of Jaffrey, Abbott, Lane of Keene, Gates, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Buckminster, Felt of Sullivan, Farrar, Bates, Humphrey of Winchester, Perkins of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Colby of Claremont, Brewer, Briggs, Tracy, Wellman of Cornish, Humphrey of Croydon, Fowler, Slader, Barton, Wilcox.

Grafton County. Hibbard, Taylor of Bristol, Bartlett of Canaan, Folsansbee, Smith of Enfield, Clark of Enfield, Blood, Hubbard of Hanover, Dow of Hanover, Kimball, Cotton of Haverhill, Mason of Hill, Smith of Holderness, Bailey of Lebanon, Downs, Parker of Lisbon, Ash, Hoskins, Thurston, Williams, Underhill, Rogers of Piermont, Marston, Shute.

Coos County. Harris of Colebrook, Cone, Legro, Roberts.

Those who voted in the negative were Messrs.

Rockingham County. York, Coleman of Newington, Batchelder of Newton, Batchelder of Nottingham, Odiorne, Wendell, Cotton of Sandown.

Strafford County. Joy, Tuttle, Foss.

Belknap County. Dow of Barnstead, Reynolds of Center Harbor, Dearborn, Prescott of Sanbornton.

Carroll County. Ayers, Pitman, Thompson of Conway, Eastman of Conway, Drew of Eaton, Taylor of Effingham, Bennett of Freedom, Hodge of Jackson, Warren, Hobbs, Smith of Wakefield, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Clough, Hutchins, Doe-putney, Bailey of Hopkinton, Eastman of Loudon, Batchelder of Loudon, Cate, Palmer, Calef, Watson, Harriman, Colby of Warner, Andrews.

Hillsborough County. Smith of Deering, Russell, Spaulding, McNeil, Baldwin, Little of Manchester, Bruce, Bailey of Nashua, Roby of Nashua, Fox, Sherburne, Taggart, Emerson of Windsor.

Cheshire County. Chapin, Jones of Marlow, Lombard, Starkey, Patten.

Sullivan County. McLaughlin, Parker of Lempster, Rowell, Philbrick, Knowlton, Gage.

Grafton County. Bailey of Alexandria, Sinclair, Hodgman, Dean, Eaton, Pease of Ellsworth and Waterville, Whitney, Quint, Morse of Hebron, Bingham, Page of Thornton, Page of Warren, Campbell of Woodstock and Lincoln.

Coos County. Wheeler of Berlin and Randolph, Young of Clarksville, Ruggles, Cole, Wright of Erroll, Tubbs of Gorham, Plaisted, McIntire, Young of Stewartstown, Marshall of Stratford.

Yeas 157; nays 90.

Mr. Clarke, of Manchester, introduced the following joint resolution:

Resolved by the Senate and House of Representatives in General Court convened, That Samuel C. Eastman be allowed fifteen dollars in full for his account, and that the same be paid out of any money in the treasury not otherwise appropriated.

The resolution was read a first time, and on motion of Mr. Barton, of Newport, the rules were suspended and the reso-

lution read a second and third time, passed, and sent to the Senate for concurrence.

Mr. Wingate, of Exeter, from the Committee on Claims, to whom was referred the account of Morrill & Silsby, reported the following resolution:

Resolved That Morrill & Silsby be allowed the sum of two hundred thirty-seven dollars and fifty-nine cents (237.59) in full for their claim, and that the same be paid out of any money in the treasury not otherwise appropriated.

The resolution was read a first time, and the rules being suspended, on motion of Mr. Platts, of Londonderry, was read a second and third time, passed, and sent to the Senate for concurrence.

Mr. McNiel, of Hillsborough, introduced the following joint resolution:

Resolved by the Senate and House of Representatives in General Court convened, That the sum of thirty dollars each be allowed to Charles H. Roberts, Wm. S. Ring, Wesley J. Robinson and Albert P. Davis, and the same be paid out of any money in the treasury not otherwise appropriated, and the Governor draw his warrant therefor.

The resolution was read a first time, and on motion of Mr. Young, of Barrington, the rules were suspended and the resolution was read a second and third time, passed, and sent to the Senate for concurrence,

Mr. Bingham, of Littleton, introduced the following resolution:

Resolved, That the justices of the Supreme Judicial Court be requested to furnish to the Clerk of this House, at the earliest practicable moment, the reasons upon which they base the opinion which they have given in respect to the constitutionality of the bill entitled An act to enable the qualified voters of this State, engaged in the military service of the country, to vote for Electors of President and Vice President of the United States and for Representatives in Congress, and also to recouile such reasons with the principles upon which said court based their opinion of last year upon

a bill providing for the voting of soldiers by proxy while without the limits of the State, and that the Clerk be directed to furnish each of said justices a copy of this resolution, and to cause the reasons of said justices when furnished to him, in compliance with his request, to be published in the several newspapers in this State.

Mr. Hackett, of Portsmouth, moved that the resolution lie upon the table.

On this question the yeas and nays were demanded, were called, and were as follows:

Those who voted in the affirmative were Messrs.

Rockingham County. Dow of Atkinson, Ladd, Gilchrist, Lane of Candia, Dimond, Currier of East Kingston, Wingate, Weeks of Greenland, Leavitt, Tilton, Marshall of Kingston, Platts, Dodge, Meloon, Stackpole, Creighton, Willey, Hurd, Walker, Haven, Moran, Hill of Portsmouth, Hackett, Tucker, Austin of Salem, Woodbury, Weare, Currier of South Hampton, Paul, French, Emerson of Windham.

Strafford County. Young of Barrington, Drew of Barrington, Baker, Wyatt, Morrill, Bickford, Brewster, Parker of Farmington, Curtis, Jones of Milton, Lyman, Hall of Rochester, Horne, Hayes, Wood, Wakefield.

Belknap County. Bennett of Alton, Brown of Gilmanton, Robie of Gilford, Mansur, Wiggan, Stewart.

Carroll County. Coleman of Brookfield, Blaisdell of Madison, Gould, Standley.

Merrimack County. Harris of Boscawen, Clough, Merriam, Farnum, Elwell, Paige of Concord, Rolfe, Webster, Davis of Concord, Thompson of Concord, Sargent, Dustin, Nickelson, Bunker, Whitehouse, Little of Webster.

Hillsborough County. Campbell of Amherst, True, Riddle, Smith of Brookline, Hodge of Francetown, Greer, Kennedy, Greeley, Pike, Goodrich of Lyndeborough, Thayer, Pulsifer, Johnson, Gardner, Montgomery, Knowles, Whittle, Adams of Manchester, Parker of Merrimack, Sawyer of Milford, Scripture, Saunders, Sawyer of Nashua, Greenwood, Davis of New Ipswich, Tubbs of Peterborough, Felt of Peterborough, Keyes, Story, Gove.

Cheshire County. Cooke, Goodrich of Chesterfield, Smith of Dublin, Whitcomb, Bailey of Jaffrey, Abbott, Lane of Keene, Gates, Barker, Willard, Mason of Marlborough, Goodhue of Nelson, Stearns, Buckminster, Felt of Sullivan, Bates, Humphrey of Winchester.

Sullivan County. Prentiss, Hubbard of Charlestown, Colby of Claremont, Brewer, Briggs, Tracy, Wellman of Cornish, Humphrey of Croydon, Fowler, Slader, Barton, Wilcox.

Grafton County. Hibbard, Taylor of Bristol, Bartlett of Canaan, Follansbee, Smith of Enfield, Clark of Enfield, Blood, Hubbard of Hanover, Kimball, Cotton of Haverhill, Mason of Hill, Smith of Holderness, Hughes, Bailey of Lebanon, Parker of Lisbon, Ash, Hoskins, Thurston, Williams, Underhill, Rogers of Piermont, Marston, Shute.

Coos County. Harris of Colebrook, Cone, Legro, Roberts.

Those who voted in the negative were Messrs.

Rockingham County. Coleman of Newington, Batchelder of Newton, Batchelder of Nottingham, Odiorne, Wendell, Cotton of Sandown.

Strafford County. Joy, Tuttle, Foss.

Belknap County. Dow of Barnstead, Colbath, Reynolds of Centre Harbor, Dearborn, Prescott of Sanbornton.

Carroll County. Ayers, Pitman, Thompson of Conway, Eastman of Conway, Taylor of Effingham, Bennett of Freedom, Hodge of Jackson, Warren, Hobbs, Blaisdell of Tuftonborough, Smith of Wakefield, Rogers of Wolfborough, Goldsmith.

Merrimack County. Pease of Allenstown, Swett, Goodhue of Bow, Sawyer of Bradford, Hutchins, Doe, Putney, Bailey of Hopkinton, Eastman of Loudon, Dana, Reynolds of Pittsfield, Palmer, Calef, Watson, Harriman, Colby of Warner, Andrews.

Hillsborough County. Smith of Deering, Russell, Spaulding, McNiel, Coolidge, Little of Manchester, Bruce, Bailey of Nashua, Cahill, Roby of Nashua, Fox, Sherburne, Taggart, Emerson of Windsor.

Cheshire County. Chapin, Jones of Marlow, Lombard, Starkey, Patten.

Sullivan County. McLaughlin, Parker of Lempster, Rowell, Philbrick, Knowlton, Gage.

Grafton County. Bailey of Alexandria, Whiteher, Sinclair, Dean, Eaton, Whitney, Quint, Dow of Hanover, Morse of Hebron, Knight, Bingham, Eastman of Littleton, Page of Thornton, Page of Warren.

Coos County. Wheeler of Berlin and Randolph, Young of Clarksville, Ruggles, Cole, Wright of Erroll, Tubbs of Gorham, Plaisted, McIntire, Young of Stewartstown, Marshall of Stratford, Aldrich.

Yeas 157; nays 96.

So the resolution was laid upon the table.

The following message was received from the Senate by their Clerk:

Mr. Speaker—

The Senate have indefinitely postponed the resolution in favor of Thomas Hale and others.

The Senate concur in the passage of the resolution in favor of Samuel C. Eastman.

The Senate have passed the resolution in favor of C. H. Roberts and others, with an amendment.

Amend by adding after the word "Davis," the following:

"That Cogswell & Sturtevant be paid eleven dollars and twenty-five cents in full for their account, and that Rev. B. F. Bowles, Chaplain of the House of Representatives, shall receive the same mileage and per diem pay as members of the Legislature," in the adoption of which they ask the concurrence of the House of Representatives.

The question before the House now being, Shall the amendments proposed by the Senate to the resolution in favor of Charles H. Roberts and others, be adopted?

The negative of the question prevailed.

On motion of Mr. Hubbard, of Hanover,

Resolved, That a committee of ten be appointed on the part of the House, with such as the Senate may join, to wait upon His Excellency the Governor and inform him that the business of the present session of the Legislature is brought to a close, and that both branches of the Legislature are now ready to adjourn.

Messrs. Hubbard of Hanover, Morse of Hebron, Currier of East Kingston, Platts of Londonderry, Elwell of Concord, Cone of Columbia, Eastman of Littleton, Riddle of Bedford, Roberts of Milan, Aldrich of Whitefield, were appointed as said committee on the part of the House.

On motion of Mr. Parker, of Merrimack,

The House adjourned.

THURSDAY, September 1, 1864.

On motion of Mr. Parker, of Merrimack, the reading of the journal was omitted.

On motion of Mr. Parker, of Merrimack,

Resolved, That in making up the pay-roll the Clerk be instructed to insert the name of B. F. Bowles, Chaplain, with the same per diem and mileage as is allowed members of the House.

[Mr. Adams, of Manchester, in the Chair.]

By leave Mr. Cate, of Northfield, introduced a bill entitled An act to incorporate the Gilford Hosiery Company, which was read a first and second time, and the rules being suspended, on motion of Mr. Barton, of Newport, the bill was read a third time, passed, and sent to the Senate for concurrence.

[The Speaker in the Chair.]

Mr. Quincy, of Rumney, introduced the following resolution, which on motion of Mr. Lane, of Keene. was indefinitely postponed :

Resolved, That a committee of three be appointed by the Speaker to report at the next session of the Legislature, what action is necessary with regard to a revision of the school laws of the State, with authority to present a revision, if they deem it necessary.

On motion of Mr. Quincy, of Rumney,

Resolved, That the Clerk be directed to make up the pay-roll according to the previous votes of the House and the report of the committee to receive the excuses of members; and to allow each member entitled to full pay for twenty-five days attendance.

Mr. Emerson, of Windham, from the Joint Committee on Engrossed Bills, reported that they had carefully examined the following bills and resolutions and found them correctly engrossed, viz :

A resolution recommending a postponement of the draft;
Resolution in favor of S. C. Eastman;
Resolution relating to the act allowing soldiers to vote;
Resolution in favor of C. H. Roberts and others;
An act to incorporate the Gilford Hosiery Company.

Mr. Emerson, of Windham, introduced the following joint resolution :

Resolved by the Senate and House of Representatives in General Court convened, That William H. Belknap be allowed the sum of fifteen dollars (\$15.00,) that the same be paid out of any money in the treasury not otherwise appropriated, and the Governor be authorized to draw his warrant therefor.

The resolution was read a first time, and on motion of Mr. Emerson, the rules were suspended and the resolution was read a second and third time, passed, and sent to the Senate for concurrence.

On motion of Mr. Haven, of Portsmouth, the Clerk was instructed to place upon the pay and mileage roll of the House the names of Messrs. Hatch, of Portsmouth, and Lamprey, of North Hampton.

[Mr. Hackett, of Portsmouth, in the Chair.]

The following message was received from the Senate by their Clerk :

Mr. Speaker—

The Senate have passed the following resolution :

In the year of our Lord one thousand eight hundred and sixty-four.

Resolved, That the Legislature regard the message of His Excellency Joseph A. Gilmore, under date of August 9, 1864, as discourteous in its language, erroneous in its assumption of facts, and a breach of privilege of the legislative department of the government, in the adoption of which resolution the concurrence of the House is requested.

On motion of Mr. Bingham, of Littleton, the resolution was indefinitely postponed.

The following further message was received from the Senate :

Mr. Speaker—

The Senate recede from their amendment to the resolution in favor of Charles H. Roberts and others.

The Senate have passed the resolution in favor of Morrill

& Silsby with an amendment, in the adoption of which they ask the concurrence of the House of Representatives.

The Senate concur in the passage of a resolution in favor of William H. Belknap.

The question before the House now being,

Will the House concur with the Honorable Senate in the amendment proposed to the resolution in favor of Morrill & Silsby, which is as follows :

Insert after the word "claim" the words "that Thomas Hale & Co., be paid six dollars and fifty cents in full for their account."

The affirmative of the question prevailed.

On motion of Mr Sinclair, of Bethlehem,

The House adjourned.

AFTERNOON.

Mr. Hill, of Manchester, introduced the following joint resolution :

Resolved by the Senate and House of Representatives in General Court convened, That the Governor and Council be authorized to approve the pay-roll of the National Guards, who were called out by special order of the Governor, August 19th, 1864, amounting to two hundred and seventy-seven dollars and fifty cents (\$277.50) and that the same be paid out of any money in the Treasury not otherwise appropriated, and the Governor is hereby authorized to draw his warrant therefor.

The resolution was read a first time, and on motion of Mr. Parker, of Farmington, the rules were suspended and the resolution read a second and third time, passed, and sent to the Senate for concurrence.

On motion of Mr. Pitman, of Bartlett,

Resolved, That the thanks of this House are due and are hereby presented to Benjamin Gerrish, jr., Clerk, Charles B.

Shackford, Assistant Clerk, and Edward Sawyer, Clerk *pro tempore*, of the House of Representatives, for the faithful discharge of their duties, and their uniform courtesy and urbanity towards the members of the House during the present session.

The following message was received from the Senate by their Clerk;

Mr. Speaker—

The Senate concur in the appointment of a joint committee to wait upon His Excellency the Governor, and inform him that the business of the session is brought to a close, and that both branches of the Legislature are ready to be adjourned, and join as such committee Senators Straw and Harris. They also concur in the passage of An act incorporating the Gilford Hosiery Company.

The Senate ask the concurrence of the House of Representatives in the passage of a joint resolution pledging the faith of the State for the discharge of all her pecuniary liabilities.

The resolution pledging the faith of the State for the discharge all her pecuniary liabilities, was then read a first time, and the rules being suspended, on motion of Mr. Platts, of Londonderry, it was read a second and third time, and passed in concurrence.

Mr. Barton, of Newport, from the Committee on the Judiciary, to whom was referred sundry petitions, praying for a speedy and honorable peace, also a bill entitled An act to prevent persons liable to do military duty escaping from the State to avoid a draft, reported the following resolution which was adopted:

Resolved, That the same be postponed to the next session of the Legislature.

The following further message was received from the Senate:

Mr. Speaker—

The Senate concur in the passage of the resolution in favor of the National Guards.

On motion of Mr. Aldrich, of Whitefield:

Resolved, That Samuel C. Eastman, the reporter of the House for the present session, for the able, efficient and gentlemanly manner he has performed his duties, receive the thanks of the House of Representatives.

Mr. Emerson, of Windham, from the Committee on Engrossed Bills, reported that they had carefully examined the following bills and resolutions and found them correctly engrossed, viz. :

An act relating to the Clerk of the Senate, making a record of the time any bill may be presented to the Governor ;

Resolution in favor of William H. Belknap ;

Resolution in favor of Morrill & Silsby ;

Resolution pledging the faith of the State for the discharge of all her pecuniary obligations ;

Resolution in favor of the National Guards.

Mr. Hubbard, of Hanover, from the Joint Select Committee, appointed to wait upon His Excellency the Governor, and inform him that both branches of the Legislature are now ready to adjourn, reported that they had attended to the duties assigned them, and that the Governor informed them that he would soon transmit a message to both branches of the Legislature.

The following message was received from His Excellency the Governor by Hon. Allen Tenny, Secretary of State :

EXECUTIVE DEPARTMENT, }
Concord, Sept. 1, 1864.

To the Honorable Senate and House of Representatives :

GENTLEMEN :—Having disposed of all the acts and resolutions that have been presented to me for my approval, and having been informed by a joint committee of both branches of the Legislature that you have finished the business before you, and are now ready to be adjourned, I do hereby, by the authority vested in me, adjourn the Legislature without day.

J. A. GILMORE.

Speaker Chandler therefore declared the Legislature adjourned without day.

Attest—B. GERRISH, JR., Clerk.

A true copy : Attest—

B. GERRISH, JR., Clerk.

OPINION

OF THE JUDGES OF THE SUPREME JUDICIAL COURT UPON
THE ACT ENTITLED AN ACT TO ESTABLISH THE OFFICE OF
AUDITOR OF ACCOUNTS.

*To His Excellency Joseph A. Gilmore, Governor of New
Hampshire, and the Honorable Council :*

The undersigned Justices of the Supreme Judicial Court in accordance with the foregoing request, submit the following opinion :

The first section of the act in question provides that "there shall be elected by the two branches of the Legislature in concurrence, during the present session, and in the month of June in each succeeding year, an officer to be styled Auditor of Accounts, who shall continue in office, one year and until a successor be duly chosen and qualified. He shall give bond to the Treasurer with sufficient sureties, to be approved by the Governor with the advice and consent of the Council, in the sum of fifty thousand dollars, for the faithful discharge of the duties of his office. In case of any vacancy in said office by death, resignation or otherwise, a successor shall be appointed according to the above provisions; *Provided* that if such vacancy shall happen during the recess of the Legislature, such successor may be appointed by the Governor with the advice and consent of the Council, and shall hold his office until a successor be chosen by the Legislature and qualified."

Section two provides that "the Auditor shall examine all accounts and demands against the State, except for such sums as may be due on account of the principal or interest of any public debt, or of the pay-rolls of the Council, Senate or House of Representatives, and shall certify the amount due on any such demand, the head of the expenditure to which the same is to be charged and the law authorizing the payment thereof to the Governor, who may then draw his warrant therefor as provided by the Constitution, and all such certificates shall be recorded by the Auditor in a book to be

kept for that purpose, no warrant shall be drawn for the payment of any account or demand, except the said pay-rolls, which has not been certified as above, and all receipts given by the Treasurer shall be approved and countersigned by the Auditor, and no such receipt shall be valid until so countersigned, and as soon as may be, after the drawing of any warrant, the Secretary shall transmit to the Auditor a written statement of the amount and purport of the same."

The other sections of the act referred to, specify some further duties of the Auditor, point out the method of procedure, when claims are disallowed by the Auditor, the nature and amount of evidence he shall be entitled to receive or to require, the manner of keeping his accounts and in what manner, by whom and when they shall be audited, and provide for the Auditor's salary and the establishment of an office, &c.

Section nine repeals all acts and resolutions inconsistent with the provisions of this act.

Section ten provides that this act shall be in force from and after its passage.

This act was approved July 16th, 1864.

Here we have an act going into effect immediately upon its passage, and being now in force, which provides for the election or appointment of an Auditor, and also providing that no warrant shall be drawn for the payment of any account or demand (except certain pay-rolls,) which has not been certified by said Auditor, and also provides that all receipts given by the Treasurer, shall be countersigned by said Auditor, and that no such receipt shall be valid unless so countersigned, and yet no Auditor was elected during the session of the Legislature as was provided in section first. And the question now is, whether an Auditor can be appointed by the Governor and Council, or whether all accounts and demands against the State must remain unpaid till next June for want of the certificate of an Auditor, and all receipts given by the State Treasurer, such as receipts to the towns for State taxes and all other money which the law requires should be paid to him, shall be and continue invalid, to the same time, because not countersigned by such Auditor?

Every consideration of convenience and of public policy would urge such a construction of the act if it can properly be given, as to allow of the appointment of the Auditor by the Governor and Council at this time.

Nor can there be any doubt as to the intention of the Legislature that the act should go into immediate effect.

At the time of its passage they did not of course anticipate that the two branches of the Legislature would, after repeated ballotings and the report of a Committee of Conference, be unable to unite upon the same candidate, and hence, as the act requires an election in concurrence that no election would be made, which is the reason why they spoke of a *successor* being appointed in case of vacancy instead of speaking of an incumbent or an Auditor. But they evidently intended to make provision for every case that they supposed could possibly arise.

And the question is whether the language they have used is fairly capable of such a construction as will cover the vacancy in question? For where the intention of the Legislature is plain as in this case it is the duty of the court so to construe the act as to carry out those intentions, when the language used will fairly admit of such construction.—*Fairbanks v. Antrim*, 2 N. H. Rep., 105. And when the meaning of the words used are doubtful or they are susceptible of a double construction, that sense is to be adopted which best harmonizes with the context, and the apparent policy and objects of the Legislature.—*Pike v. Jenkins*, 12 N. H. Rep., 255.

Here the provision is "in case of any vacancy in said office by death, resignation or otherwise, a successor shall be appointed, &c." There is now a vacancy in said office unquestionably; because the office has been created, and the law creating it is in force and the office is not filled, but is vacant.

The term "vacancy" means, an empty space, a place unfilled, and when applied to an office, it means the state of being destitute of an incumbent or a want of the proper officer, to officiate in such office. But in neither case has it any reference whatever to any former time, or any former condition of the place or office. If a place is empty now, there is a vacancy, and it matters not whether it has once been filled, or whether it has always been empty. And so of an office. So far then all is plain.

But the subsequent proviso is that "if such vacancy shall happen during the recess of the Legislature," such successor may be appointed, &c., and shall hold his office, &c.

Now the word "happen" may have many significations or meanings, depending much upon its connection with other

words, and the circumstances under which it is used. Here the expression is "if *such* vacancy shall happen, &c.," the word *such* referring to the vacancy just mentioned which might exist in consequence of death, resignation or *otherwise*, that is in any way or from any cause whatever.

"If any *such* vacancy shall HAPPEN," that is, shall occur, shall chance to exist, shall happen to be, during the recess of the Legislature, &c. The substance of both these sentences might be expressed in this way without doing any violence to the language "if there shall happen to be, during the recess of the Legislature, any vacancy in said office, which may exist in consequence of death, resignation or in any other way or from any other cause," such successor may be appointed by the Governor, &c. Believing that such a construction may fairly be given to the language of the act, and that by giving it that construction we should be only giving effect to the clear intent and will of the Legislature, our opinion is that the Governor and Council have a legal right to appoint an Auditor under the act in question.

It therefore becomes unnecessary to answer your second inquiry any further than what may have been incidentally done in answering the first.

SAMUEL D. BELL,
J. E. SARGENT,
H. A. BELLOWES,
GEO. W. NESMITH,
WILLIAM H. BARTLETT.

July 22, 1864.

OPINION

OF THE JUDGES OF THE SUPREME JUDICIAL COURT UPON
THE SUBJECT OF BOUNTIES, AND OTHER KINDRED SUB-
JECTS.

*To His Excellency Joseph A. Gilmore, Governor of New
Hampshire, and the Honorable Council :*

The undersigned Justices of the Supreme Judicial Court, have considered the questions proposed in your communication of the 27th of July inst., which are :

I. Whether the act of Congress "further to regulate and provide for the enrolling and calling out the national forces, and for other purposes," approved July 4, 1864, and the act of the Legislature of this State "to facilitate the raising of troops," approved July 16, 1864, "conflict in any way with each other, and if so in what manner?"

II. "What class of men can receive bounties under our law to facilitate the raising of troops approved July 16, 1864," and whether "those who enlisted, have been drafted or volunteered as substitutes for drafted men prior to the passage of this act, to fill this or any previous calls," are "entitled to bounties," or "those only who enlisted subsequent to the passage of this act?"

III. Whether "the act to facilitate the raising of troops, approved July 16, 1864, repeals the act to encourage enlistments to fill up the First New Hampshire Cavalry, approved June 16, 1864?"

1. The first question points out no particulars, in which the two statutes are supposed to conflict, and is of such a general character that it is impossible for us in the time now at our disposal to make a full answer. It has been verbally suggested that the Governor and Council desire to call our attention to the mode provided in the act of July 16th for the payment of State agents for recruiting in the insurgent States. By that act such agents are to be paid a certain sum of money "for each man by them enlisted and mustered into the service of the United States, &c. Section 2. The act of Congress of July 4th contains the following provision :

"that it shall be lawful for the executive of any of the States to send recruiting agents into any of the States declared to be in rebellion, except the States of &c., to recruit volunteers under any call under the provisions of this act, who shall be credited to the State and to the respective sub-divisions thereof, which may procure the enlistment."—03.

This act contains no provision as to the mode in which such State agents shall be paid, and we perceive nothing in the act prohibiting the States from compensating their agents in the manner provided in our statute. In the first paragraph of the "Regulations for recruiting in rebel States, for loyal States," issued by the War Department through the Adjutant General's office on the 9th of July 1864, which have been furnished to us, it is said; "To avoid confusion, the number of agents should not be large. Experience has shown that these agents should not be paid for each recruit, but, that they should have a fixed compensation for their service, otherwise fraudulent practices may be resorted to for the pecuniary benefit of the agent, to the great prejudice of the State, and the military service." These remarks seem to us intended as advisory, merely, and not as a positive regulation; we have, therefore, deemed it unnecessary to examine the power of the War Department to make a regulation of that nature.

II. (1.) The act of July 16th, authorizes the Governor with the advice and consent of the Council, to offer, by proclamations, bounties not exceeding, &c., to each soldier who shall, after the passage of the act, be mustered into the service of the United States to fill the quota of this State, during the present war, although such soldier may have previously to the passage of the act, enlisted, been drafted or volunteered as a substitute for any citizen not enrolled; and a bounty not exceeding two hundred dollars to each man who shall be drafted for one year and mustered into the service of the United States, after the passage of the act, to fill the quota of this State during the present war.—03. The Governor is also authorized to pay a bounty not exceeding, &c., for all recruits enlisted in the insurgent States and mustered into the service of the United States.—003 & 5.

(2.) The seventh section provides that for each soldier furnished by any city, etc., or by any inhabitant of such city, etc., and mustered into the service of the United States, in excess of all former quotas, and prior to the passage of this act, there shall be paid to the city, etc., or persons entitled

thereto, upon the proper certificate to the State authorities, the same State bounty as provided in this act for volunteers, provided that such bounty shall in no case exceed the sum actually paid for such soldier, and that any State bounty heretofore paid to such soldier shall be deducted from the bounty paid for him under this act.

(3.) Section four gives authority to any city, etc., upon or in anticipation of any call of the United States Government for troops during the present war, to pay to each soldier (except those enlisted in or from insurgent States,) who shall, after the passage of this act, be mustered into the service of the United States, or who shall have been mustered into said service since the last call, prior to July 16, 1864, and prior to the passage of the act, to fill the quota of such city, etc., whether such soldier shall have voluntarily enlisted, or volunteered as a substitute for a drafted or enrolled man, a bounty not exceeding, in any case, in addition to the State bounty, the sum of, etc.; and also to pay to each man who shall be drafted for one year from such city, etc., and shall be mustered into the service of the United States as part of the quota of such city, etc., after the passage of this act, in addition to the State bounty, a sum not exceeding two hundred dollars.

III. By the 10th section of the act of July 16, it is provided that "this act shall take effect upon its passage;" all authority heretofore given to the Governor and Council to offer bounties, and to the various cities, etc., to raise and appropriate money for bounties, and all "acts and parts of acts inconsistent with the provisions of this act are hereby repealed;" and this repeals the prior act of June 16th, so far as it could be repealed. As to those whose rights to bounty under the proclamation, which we understand was issued by virtue of the act of June 16th, had become vested at the time of the passage of the act of July 16th, the earlier act could not be repealed; but as to those who had not acquired a perfect and vested right to such bounty, the act is repealed.

SAMUEL D. BELL,
J. E. SARGENT,
HENRY A. BELLOWES,

GEORGE W. NESMITH,
WILLIAM H. BARTLETT.

July 29th, 1864.

OPINION

OF THE JUSTICES OF THE SUPREME JUDICIAL COURT ON
THE CONSTITUTIONALITY OF THE SOLDIERS' VOTING BILL.

To the Honorable: Senate of the State of New Hampshire:

We the undersigned, Justices of the Supreme Judicial Court, have taken into consideration your resolution asking for our opinion upon the constitutionality of a bill entitled An act to enable the qualified voters of this State, engaged in the military service of the country, to vote for Electors of President and Vice President of the United States, and for Representatives in Congress.

The bill provides that qualified voters of this State, in the military service of the United States, with certain exceptions, may vote for Electors of President and Vice President of the United States, and for Representatives of this State in the Congress of the United States, at the places where the voters may be, on the days fixed for those elections, instead of giving their votes, as the law has heretofore required, in the towns and places in this State, where they at the time resided.

Whether good policy requires this change in the law to be made, and whether the bill provides in the safest and most judicious way for the manner of exercising the right to vote in places other than those where the voters reside, are questions resting wholly in the discretion of the Legislature, and are not submitted to our consideration. The only inquiry for us, we understand to be, whether the Legislature have constitutional power to pass the law. On examination of the bill, we have not found any question which appeared to require our consideration, except the general question whether the Legislature, under the Constitution of the United States and the Constitution of this State, have power to authorize votes for the officers above named, to be given in any other place than the places where the voters reside at the time of the election.

Upon consideration and consultation, we have come to the conclusion that the bill is free from constitutional objection.

It may be proper to remark that we have not had opportunity to confer with Mr. Justice Doe on this subject, and so far as we are informed, your resolution has not yet been submitted to him.

We understand it is desired that our opinion should be given before the impending adjournment of the Legislature. We have on that account taken pains to give your requisition prompt attention, and now submit the result of our examination without waiting to state the reasons upon which our opinion is founded. We may take occasion to explain the grounds of our opinion hereafter.

We therefore certify our opinion to be that the bill aforesaid is free from constitutional objection, and that the Legislature have constitutional power to pass the same.

IRA PERLEY,
J. EVERETT SARGENT,
HENRY A. BELLOWES,
GEO. W. NESMITH,
WILLIAM H. BARTLETT.

The Justices of the Supreme Court were required in August last to give their opinion upon the constitutionality of a bill, passed by the Senate and House of Representatives, entitled An act to enable the qualified voters of this State engaged in the military service of the country, to vote for Electors of President and Vice President of the United States, and for Representatives in Congress. Understanding that the public convenience called for a prompt answer to the question proposed, we then returned one, merely stating the conclusion to which we had arrived, but intimating that we might take occasion to explain the reasons upon which our opinion was founded at a future time. By way of complying with this intimation we propose to furnish the Reporter of the Court with these our reasons for the opinion heretofore certified.

The bill provides that all qualified voters of this State, who shall be in the actual military service of the United States, on the days duly appointed by law for the choice of

Electors of President and Vice President of the United States, and for Representatives of this State in the Congress of the United States, shall be entitled to exercise the right of suffrage for said officers at the several posts, camps and places where the regiment battery of artillery, or part of a regiment not less than one company under a separate command, may be on said days, as fully as, if such voters were present at the place in this State where such election may be held, and where such person would be entitled to vote, any provisions of law now in force notwithstanding; *Provided*, that this section shall not extend to, or include any person in the regular or standing army of the United States, nor any person in any regiment, battery or company organized or officered out of this State. The bill provides in detail for the manner of holding the elections and returning the votes.

Whether sound policy calls for this proposed change in the law, and whether the provisions of the bill intended to ensure the free and safe exercise of the right of suffrage are the best that could be devised, are questions resting wholly in the discretion of the Legislature, and which we are not required to consider. The general object of the bill is to allow voters in the military service to give their votes where they may happen to be at the time of the elections, instead of voting at meetings held in the towns and places where they reside in this State. We do not perceive that any constitutional question arises out of the manner in which the bill proposes to accomplish this object. We may, therefore, excuse ourselves from examining the provisions of the bill in detail, and confine our inquiry to the single question whether, under the Constitution of the United States and the Constitution of this State, the Legislature have constitutional power to authorize votes for Electors of President and Vice President, and for Representatives in Congress to be given at other places than those where the voters reside, and at places beyond the territorial limits of this State.

It belongs to the legislative department of the government to decide who shall have the right of voting, what shall be the qualifications of voters, and when and where the qualified voters shall exercise the right, except so far as the legislative authority is limited and restrained by the fundamental law: and this general authority over the whole subject be-

longs to the Legislature of this State, with such limitations only as are imposed by the constitution of this State and that of the United States.

There is nothing inherent in the nature of the right to vote which requires the voter to exercise the right in the place where he resides, and the history of popular elections in this State, so far as we are able to trace it, shows that it has never been regarded here as an essential ingredient of the right of suffrage that it should be exercised in the place where the voter resides. A large proportion of our towns now hold their corporate powers under no other charters or acts of incorporation than the original proprietary grants of land from the royal government. In the outset the proprietors of these townships resided for the most part in other governments, and their meetings for regulating the affairs of the townships were frequently, and we believe for no short period generally, held where the proprietors resided in Massachusetts and Connecticut. When and by what process these proprietary meetings of the townships were superseded in the general management of public affairs by meetings of the inhabitants residing within the territorial limits of the township, we are not able to trace. It appears, however, by the recital of the Provincial act of 1719, that it had then been "a continued practice and custom in the several towns within the Province to choose selectmen or townsmen for the ordering and managing the prudential affairs of such towns," and that act, which provides for the annual meetings of the inhabitants in March for the choice of town officers, is the first we find that defines or gives the right of suffrage in New Hampshire for any purpose. The act defines the qualifications of the voters and by fair implication, though not in express terms, required the meetings to be held within the limits of the respective towns.

The act of 1719 provided for the election of town officers only, and there does not appear to have been any act prescribing the manner of choosing assemblymen, or any other than town officers until 1737, when the act of that year was passed providing that "no person should have the liberty of voting in the election of representatives to the assembly other than such who has an estate of the value of fifty pounds within the town, precinct or parish where such election shall be," and the same act provided that "any person having a real

estate of fifty pounds as aforesaid, should have the liberty of voting in the town, precinct or parish where such his estate should be, although he be not an inhabitant of the town," &c., "at the time of such election," and in the subsequent acts for assessing taxes, this provision allowing non-residents to vote where their lands lay is expressly excepted from the operation of these acts. The right of non-residents to vote where they had land which gave them the required property qualification, remained in force until it was repealed by the act of June 20, 1793, unless the constitution of 1783 took it away by implication.

This glance at the history of popular elections of New Hampshire is sufficient to show that with us, as elsewhere, the right of suffrage under the Provincial and State governments has been regarded and treated as wholly within legislative control, except so far as the legislative authority over the subject has been restrained by the constitution of this State, or that of the United States; and in particular that the legislature have been understood to have the power, except in cases where they are restrained by constitutional limitations, to authorize votes to be given in other places than those where the voters reside.

It may be remarked that requiring the voter to have the qualification of residence or property in the town or district where his vote is to be counted and reckoned in the election is quite a different thing from requiring him to exercise the right of voting in the place where his residence or the holding of property gives him such an interest in the welfare of the town or district as may be supposed to ensure the honest and careful exercise of the right.

We may safely stand, we think, on the position that there is nothing in the nature of popular elections which, in the absence of positive provisions on the subject, requires that the right of suffrage should be exercised in the place where the voter resides; and that in New Hampshire this right, so far as concerns the time, place and manner in which it is to be exercised, has always been regarded and is now to be regarded as wholly within legislative control, except so far as the power of the legislature over the subject has been limited and taken away by the constitution of this State or of the United States, and the single question is whether the bill submitted to us is in conflict with the constitution of this State or that of the United States.

This question we regard as new in this State, inasmuch as the opinion heretofore given by four Justices of this Court was in reference to an act of essentially different character, and relating to a different subject. We do not understand that the question as to the distinction between the right to vote in the election of State, county and town officers, and the right to vote for electors of President and Vice President, and for Representatives in Congress, was all considered in that opinion. The bill then under consideration, as stated in the opinion, related to the election of State, county and town officers, and any general expressions used could not have been intended to have an application more extensive than the subject matter then under consideration. We find in that opinion no mention of the constitution of the United States, whereas the question as to the election of Representatives to Congress and of electors of President and Vice President is governed wholly by the constitution of the United States as the paramount law, and the constitution of this State has no concern with the question, except so far as it is referred to and adopted by the constitution of the United States.

The appointment of electors of President and Vice President, and the election of Representatives in Congress depend on different provisions of the Constitution of the United States. There are two provisions of the constitution relating to the appointment of electors, both contained in the first section of the second article. The first of these provisions is in these terms. "*Each State shall appoint in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in Congress.*" The other provision is as follows: "The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States." Congress have exercised the power thus delegated to them by the act of January 23, 1845, fixing the day on which electors are to be chosen, and the act of March 1, 1793, fixing the day on which their votes are to be given. The bill referred to us, corresponds in this respect with the laws of Congress, and the only question on this branch of the subject is whether the manner in which this bill provides for the appointment of electors is authorized by the constitution of the United States.

It is to be observed that the appointment of electors is the act of the State in her sovereign capacity. The State appoints the electors, and the constitution imposes on her no restraint as to the manner in which she shall perform this act of sovereignty, except as to the time when the act shall be done. Each State makes the appointment in such manner as the legislature thereof may direct. No appeal to the people by popular election in any form is required by the constitution; excepting only the time, the whole question as to the manner in which the State shall appoint the electors is left wholly to the discretion of the State legislature.

This bill proposes that the electors shall be appointed on the day which Congress has designated, by popular vote of all the qualified voters of the State; those voters who are in the military service to give their votes in the places where they may be on the day of the election, and other voters in the towns and places where they reside.

We have not found it easy to see what valid legal objections there can be to this exercise of the unlimited authority given by the constitution of providing for the appointment of electors "in such manner as the legislature may direct." By the constitution the electors are to be appointed in such manner as the legislature may direct. The legislature have exercised the authority thus conferred by directing that the electors shall be appointed by the votes of all the qualified voters of the State given as before mentioned. The power to direct that the appointment shall be made in this manner is clearly within the letter of the constitutional provision; and we can see no ground for a construction that shall limit and restrain the plain meaning of the language used on this point in that instrument.

In practice under the constitution very great latitude has been assumed in exercising the unqualified discretion left to the States of appointing electors in such manner as the State legislature may direct. In one at least of the States we understand that the choice of electors has never been submitted to any popular election. In some cases States have been divided into districts for the choice of electors. In this State we believe the electors have always been chosen for the whole State and not by districts; but in other respects the appointment has been made here at different times in various ways as the legislature have from time to time directed. In the

first election of President there was a failure in this State to appoint electors by the law enacted on that subject in 1788, and after several unsuccessful attempts by other methods, the Senate chose the five electors and the House concurred in the choice. On failure to elect by other methods, the law in several instances, as in the act of 1824, has provided for a resort to the drawing of lots among the candidates. In 1800 the legislature again took the matter into their own hands, and chose the six electors in convention of the two houses. It would seem to have been formerly regarded as a matter so entirely within the discretion of the legislature for the time being that the acts passed on the subject were not printed in the general edition of the laws till that of 1830. We find no act on the subject in the edition of 1808 or 1818.

Under the constitution the States appoint the electors. The appointment is to be made in such manner as the legislature may direct. The whole discretion as to the manner of the appointment is lodged in the broadest and most unqualified terms in the legislature. In different States and at different times in the same State, the greatest diversity as to the manner of appointment has prevailed. Whether therefore we look to the broad and comprehensive provisions of the constitution, or to the construction which they have received in practice, we can see no room for serious doubt that the legislature, being clothed with this general authority to direct the manner in which the electors shall be appointed, have acted within the scope of their constitutional powers in directing that the appointment shall be made by the votes of all the qualified voters of the State, the voters in the military service giving their votes at the places where they may be on the day of the election, and the other voters in the towns and places where they reside.

The question submitted to us, so far as it relates to the choice of Representatives in Congress, depends upon other provisions of the constitution, and requires a separate consideration.

There are two clauses of the constitution which bear on the subject; one in the second section of the first article in the following terms: "the House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most nu-

merous branch of of the State legislature." The other clause in the fourth section of the same article is as follows: "The times, places and manner of holding elections of senators and representatives shall be prescribed in each State by the legislature thereof; but Congress may at any time by law make and alter such regulations, except as to the place of choosing senators."

The authority of the State legislature to prescribe the time, place and manner of holding elections for representatives in Congress is derived from this last provision of the constitution of the United States. Their action on the subject is not an exercise of their general legislative authority under the constitution of the State, but of an authority delegated by the constitution of the United States; and the question here is whether the constitution of the United States authorizes the State legislature to prescribe such places for holding elections of Representatives in Congress as are provided for in this bill. The constitution and laws of this State are entirely foreign to the question except so far as they are referred to, and adopted by the constitution of the United States.

The electors of Representatives in Congress must have the qualifications requisite for electors of the most numerous branch of the State legislature. The most numerous branch of our legislature is the House of Representatives. By our constitution all persons qualified to vote in the election of State senators are entitled to vote within the district where they dwell, in the choice of representatives. The electors of State senators and representatives being required to have the same qualifications, it follows that electors of Representatives in Congress must have the qualifications required by our State constitution in the electors of State senators.

That part of our constitution which relates to the election of senators is in the following terms: "The senators shall be chosen in the following manner to wit: Every male inhabitant of each town and parish with town privileges, and places unincorporated in this State, of twenty-one years of age and upwards, excepting paupers and persons excused from paying taxes at their own request, shall have a right at the annual and other meetings of said towns and parishes, to be duly warned and holden annually in the month of March, to vote in the town or parish wherein he dwells, for senator in the district whereof he is a member." In the constitution of

1783, from which the foregoing provision is in substance adopted, there immediately followed an explanatory clause in these terms: "and every person qualified as the constitution provides *shall be considered an inhabitant* for the purpose of electing and being elected into any office or place within this State in the town, parish and plantation where he dwelleth and hath his home." The same explanatory clause is found in the constitution of 1792, but in that it is separated from the preceding provision on the same subject by a proviso. There is no reason however to suppose that by assigning this clause a different place in the instrument there was an intention to give it a more extended meaning in the present constitution than it has in the preceding.

If the provisions of the State constitution make it a *qualification* of the voter for senators, within the meaning of the word qualifications as used in the constitution of the United States; that the vote should be cast in the place where the voter resides, then the legislature have not constitutional powers to authorize votes for Representatives to be given in other places than those where the voters dwell.

It is a rule of construction applicable to this case that where in any law or written instrument a word or phrase is found which is capable of more than one meaning, it shall be understood in that sense which is most common and usual unless there is something in the subject matter or context to control the rule. Now it would be an artificial and forced construction to hold that in speaking generally of the *qualifications* of a voter it would be intended to include as a qualification the place where by law he was required to give his vote. We should rather suppose that reference was intended to be made to age, fixed residence, property and other such like qualifications, which the law might consider as necessary to guard against the danger of confiding the elective franchise to persons who have not sufficient intelligence and sufficient personal interest in the election to ensure an intelligent and honest exercise of the right, and not to such incidental circumstances as the time when or the place where the voter, having such qualifications, should cast his vote. There is every reason to suppose that such is the point of view from which the framers of the constitution would contemplate this question. It was then, and has not ceased to be now, one of the most difficult problems in popular government to determine how far the

elective franchise shall be extended, to what *class of persons* it can be safely entrusted; and the *qualifications* of that class have not usually, if they have ever, been treated either in the discussions of practical statesmen or the speculations of theoretical writers, as extending either to the time when or the place where the otherwise qualified voter was to exercise the right of suffrage. When the framers of the constitution referred the choice of Representatives in Congress to a popular election by the votes of those who had the qualifications of electors for the most numerous branch of the State legislature, we cannot think that they intended to embrace in the term *qualifications* such an incident as the place where the voter was to cast his vote.

There is no reason to suppose that in the political phraseology of the time, the term *qualification*, when applied to the subject of electors, was understood to embrace such a circumstance as the place where the vote was to be given; and this may be fairly inferred from the language of our own constitution. Thus, by the 30th section, "every person *qualified* as the constitution provides shall be considered as an inhabitant, &c., in the town, &c., where he dwelleth and hath his home." Here the constitution defines where the person who has the *qualifications* required by the constitution shall be considered as an inhabitant, of course, he is to exercise the right of voting, which is entirely inconsistent with the notion that the place where he is required to vote was regarded as one of the qualifications of the voter. So the 31st section provides for the place where the inhabitants of plantations and unincorporated places "*qualified* as this constitution provides" shall have the privilege of voting. Then again the collocation and connection of parts in the constitutional provision relating to the election of senator, though in themselves by no means of decisive weight, are not without their bearing on this point. "Every male inhabitant—of twenty-one years of age—shall have a right," &c. The right is thus given to the person having the qualifications before enumerated; and then comes the clause which shows when and where the persons having those qualifications shall exercise the right, to wit: at the town meetings held in the month of March, annually, and in the town or parish wherein he dwells.

It is worthy of remark that the State constitution fixes the time when, as well as the place where the voter shall exercise

the right of voting for senator, to wit: in the month of March annually. And if the place of voting fixed by the constitution is a qualification of the voter, it is not easy to see why the time fixed by the same instrument for his voting is not equally so. Yet it has never been understood that the time when the vote is to be given for senator is a qualification of voters for Representatives in Congress within the meaning of the constitution; for until within a comparatively recent period the time for election of Representatives in Congress was fixed by our statute in a different month than March.

In recent discussions on this subject the place where the elector is required to vote has been treated as a thing quite distinct from the qualifications of the elector. Thus in the elaborate opinion of Mr. Justice Woodward, of Pennsylvania, in the case of Chase v. Miller, he takes the distinction between the qualifications of the voter and the place where the constitution requires that his vote shall be cast in the following terms: "Our constitution and laws treat the elective franchise as a sacred trust, committed only to that portion of the citizens who come up to the prescribed standard of *qualifications*, and to be exercised by them at the time and place, and in the manner pre-arranged by public law." So in the opinion of the Connecticut judges on the constitutionality of the soldiers' voting law in that State, they use the following language on this subject: "In relation to the time, place and manner of holding elections the constitutions of the several States differ. In some of them all three are prescribed with that particularity which forbids all action of the legislature. In others neither is prescribed, but the *qualification* required of the voter is fixed, and the power to regulate the time, place and manner committed to the legislature." This passage from the opinion of the Connecticut judges is quoted and adopted by the supreme court of Iowa in the case of Morrison v. Springer. The opinion of the judges in Vermont on the soldiers' voting law of that State necessarily involves the conclusion that the place where the voter is required to vote is not a qualification of the voter within the meaning of that term as used in the Constitution of the United States.

It was perhaps unnecessary to enter on any general consideration of the meaning of this term *qualification* when used in reference to a voter in a popular election, inasmuch as the other provision of the constitution on this subject, before

cited, would seem to place it beyond doubt that it could not have been intended under this term to include the place where, by the State constitution the voter was required to cast his vote in the election of State representatives.

For the constitution of the United States in the 4th section of the first article provides that "the times, places and manner of holding elections for senators and representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators." Here the place where the elector is to vote is spoken of, not as one of his qualifications, but as a mere regulation for the exercise of his right. If under the constitution of this State it were a qualification of the elector of Representatives in Congress that he should cast his vote in the town or place where he resides, then neither Congress nor the State legislature could give him the right to cast his vote elsewhere, and the provision giving the legislature authority to prescribe the place of voting would be wholly inoperative. But by the express terms of the constitution, if the legislature neglect to prescribe the places for holding elections of Representatives, Congress may designate the places; and if the legislature have prescribed the places, Congress may at any time interfere and alter them. The legislature of this State, under authority given by the constitution of the United States, prescribe the times and places for holding those elections, to wit: in the month of March, biennially, and in the towns and places where the voters reside. But Congress have authority to alter both the time and place; they may establish election districts different from the towns and places where the voters reside; they may establish several election districts in the same town, or include more than one town in the same election district, and until Congress shall interfere, the power of the State legislature over this subject must be co-extensive with that of Congress.

This power reserved to Congress of making and altering regulations respecting the time, place and manner of choosing representatives, has never yet, so far as we are informed, been exercised, but it is clearly given by the Constitution, and was doubtless intended to clothe Congress with the power to provide for the time, place and manner of holding the elections, if the State Legislature should neglect to do it, and

to correct possible abuses in the exercise of the power thus given to the State Legislature. For instance, if Congress should be of opinion that the bill submitted to us would lead in practice to abuses, that ought to be corrected, they might under the Constitution alter the places for holding elections and provide that they should be held only in the places where the voters reside, or in any other election district that the act of Congress might prescribe.

This provision of the Constitution which gives the State Legislature authority to prescribe the time, place and manner of holding elections, but reserves to Congress the power to make and alter such regulations leaves no ground for serious doubt that the Constitution regards a law which prescribes the place where an elector shall vote as a mere regulation for the exercise of his right, and not as a qualification of the elector within the meaning of the term as used in the constitution; and therefore the Legislature, under the Constitution of the United States which gives them authority to prescribe the place of holding elections for Representatives in Congress, exercise that authority untrammelled by the provision of the State Constitution, which requires the elector of State representatives to give his vote in the town or place wherein he resides.

There has been several cases in other States where the power of the Legislature to authorize the votes of soldiers to be taken in places out of the State has been considered.

The opinion of the judges in Connecticut was given on the constitutionality of the law passed there in 1862. The opinion in that case is confined strictly to the construction of the State constitution. Nothing is said of the right to vote for Representatives in Congress, or for Electors of President and Vice President, and no allusions made to the Constitution of the United States. The application of their opinion and reasoning is strictly confined to the State Constitution. The formal opinion is certified in the following terms: "Upon such consideration we have unanimously certified to the Governor, that in respect to the election of Governor, Lieut. Governor, Treasurer, Secretary, Comptroller and members of the General Assembly the act is unconstitutional." In that case the opinion was certified to the Governor, and the reasons of it afterwards furnished to the reporter, as we propose to do in this case.

In Pennsylvania the question upon the constitutionality of the act of that State allowing soldiers to vote in the army arose in the case of *Chase v. Miller*, which came before the court on *certiorari* and assumed the form of a proceeding at law between the rival candidates for district attorney of Luzerne county. The legal question before the court was whether the "army vote" should be counted in the election of that State officer, and arose upon the Constitution of Pennsylvania in reference to that election. The question before the court was strictly confined to the construction of the State Constitution in reference to the election of a State officer. The learned Judge who delivered the opinion of the court, felt called on to indulge in some strong remarks on the impolicy and danger of allowing voters to cast their votes at a distance from the neighborhood where they resided and were best known; and these remarks might apply with equal force to an election of Representatives in Congress or electors of President and Vice President; but the only point before the court and the whole discussion related solely to the construction of the State constitution. Nothing was said or was required to be said on the Constitution of the United States, or of the distinction between elections of State officers and of Representatives in Congress and electors of President and Vice President. The court in that case held the act to be unconstitutional as to the election to the office of district attorney, and the opinion would apply to the election of State officers generally, as we understand the laws of Pennsylvania.

In *Morrison v. Springer*, the Supreme Court of Iowa decided that the law of that State allowing soldiers to vote in places out of the State was not in violation of the State constitution. The question grew out of an election for clerk of the district court, a State officer, and the opinion turned wholly on the construction of the State constitution.

In these cases arising on the construction of State constitutions, there was no question nor any discussion upon the construction of the Constitution of the United States, or of the several States, in reference to the election of Representatives in Congress, or electors of President and Vice President, and though they may be valuable for the light they

shed on the general subject, they cannot be regarded as in point for our present inquiry.

The only authority we have met with which appears to be directly in point for the present case is the opinion of the Justices of the Supreme Court of Vermont, upon the constitutionality of an act of that State passed in November, 1863, entitled An act providing for soldiers voting. The provisions of that act are substantially like those of the bill submitted to us. There is no difference that can be supposed to affect the question of constitutional power to pass them. In that case the judges were unanimous in their opinion that under the Constitution of Vermont the Legislature could not authorize votes for State officers, including representatives to the assembly, the most numerous branch of the Legislature, to be given at other places than those where the voters resided in Vermont. Our Constitution and that of Vermont agree in requiring that votes for Representatives in the State Legislature shall be given in the towns and places where the voters reside. The six Justices of the Supreme Court of Vermont agreed in the opinion that the act of that State so far as it related to the election of Representatives in Congress and electors of President and Vice President, was constitutional.

In reference to the election of Representatives in Congress their conclusion is stated as follows: "These are the only clauses of the Constitution bearing upon the election of Representatives in Congress. It cannot be claimed that any thing is established by these as to the time or place of voting. The whole subject is entrusted to the State Legislature, subject to the control of Congress. As we have already seen, if the constitution does not prescribe the time and place it rests wholly in the discretion of the Legislature to establish them by law." And with respect to the choice of electors of President and Vice President they say: "Upon the principles already alluded to, there would seem to be no ground to question the power of the Legislature to authorize voting for electors as they have done by this bill."

These questions were very deliberately and ably considered by the learned judges of Vermont. Their opinion we regard as directly in point, and after a careful examination of the question we have found no difficulty in arriving, as they

did, to the conclusion that the bill submitted to us is free from constitutional objection.

IRA PERLEY,
J. E. SARGENT,
HENRY A. BELLOWES,
GEO. W. NESMITH,
WM. H. BARTLETT.

OPINION

OF THE SUPREME JUDICIAL COURT THAT THE SOLDIERS' VOTING BILL HAS BECOME A VALID AND BINDING STATUTE OF THE STATE.

To the Honorable Senate and House of Representatives :

By the resolution of the two Houses of the Legislature, passed on the thirty-first day of August, 1864, and communicated to us by the President of the Senate and Speaker of the House on the 14th day of September instant, in connection with extracts from the journals and other evidence upon the subject, the opinion of the court is requested upon the question whether or not the Soldiers' Voting Bill, passed by the Legislature during the special session, in August last, has become a law without the approval of the Governor.

The bill referred to, as we understand it, is the bill entitled An act to enable the qualified voters of this State, engaged in the military service of the country, to vote for electors of President and Vice President of the United States, and for Representatives in Congress.

So far as the journals of the two Houses are concerned, it has been decided in the opinion of the judges, 35 N. H. Rep. 579, that they are to be treated as authentic records of the proceedings of the two Houses, and are to be taken by us as conclusive proof of the facts there recorded as having taken place. But of course no opinion upon questions of fact, of either House or any committee or member thereof, expressed in any vote or resolution, and recorded in said journal, can be competent as evidence upon any subject.

In connection with said journals there is presented also much other evidence upon various points. But our impression is, that it was not contemplated by article 74 of our constitution, which authorizes each branch of the Legislature, as well as the Governor and Council, to require the opinion of the justices of the supreme court upon important questions of law, and upon solemn occasions, that the judges should be called upon to settle questions of fact in any form. We shall not, therefore, undertake to decide any matter of

fact, or weigh the evidence with any view of settling disputed questions, the decision of which depends upon evidence alone.

But the President of the Senate and Speaker of the House, in presenting the case to us, seem to assume that certain facts are established and proved, and they are assumed by *them* as the facts in the case. Now we propose, without giving any opinion in relation to the existence or non-existence of such facts, to take substantially what we understand to be assumed as the facts by your presiding officers—such at least as we deem most material—and upon those, as upon a “case stated,” to give our opinion upon such questions of law as seem to be material.

We understand the most material of the facts, thus assumed to be established, to be the following: “That said bill originated in the House of Representatives, passed both branches of the Legislature, was duly engrossed, signed by the presiding officers of both branches, and about noon on Wednesday, August 17, 1864, was carried by the assistant clerk of the Senate to the executive chamber, in the State House, in accordance with the customary mode of presenting bills to the Governor, and was laid upon the table of the Governor, who was then absent from the room, but who had been there during the morning, and was expected to return that afternoon, but did not; that when said bill was thus laid upon the Governor's table, some members of the Executive Council were present, and also Mr. Barrett, the State Auditor, who was the son-in-law of the Governor, and who had a table there in the executive chamber for the transaction of his business, near that of the Governor; that the assistant clerk of the Senate, when he entered the executive chamber with said bill, announced that he had a bill for the Governor; that the Governor saw said bill on Thursday, August 18, when he came into the executive chamber, and found it upon his table there; that both houses adjourned from Saturday, the 20th, to Tuesday, the 23d of August, and were not in session on Monday, August 22d; that on Wednesday, August 24th, in the afternoon, the Governor sent a message to the House of Representatives by Mr. Sinclair, a member of said House, who gave notice to the Speaker, in the House, when in session, that he had a message from the Governor to present; that the Speaker declined to receive it from him; that said message was not received by any action of the Speaker or of the

House, and was not read in their hearing, but that, near the close of the session that afternoon, while the yeas and nays were being taken on a motion to adjourn, which was decided in the affirmative, the Secretary of State laid said message on the Speaker's table, stating it to be a message from His Excellency, the Governor; that this message was not opened or read in the House, but was afterwards, on a subsequent day, referred to a select committee; and that in this message of the Governor he stated his objections to the bill in question, and returned said bill therewith to the House."

Upon this statement of facts thus presented to us, four questions of law may arise:

1. Whether what occurred on the afternoon of August 24th, is to be regarded as a return of the bill to the House by the Governor, with his objections, within the meaning of the Constitution?

2. Is Monday, August 22d, to be counted as one of the five days specified in the Constitution?

3. When was said bill presented to the Governor?

4. How shall the five days specified be computed?

The provision of the Constitution bearing upon these questions is as follows:

ARTICLE 44. "Every bill which shall have passed both Houses of the General Court, shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated. * * * * If any bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature, by their adjournment, prevent its return, in which case it shall not be a law."

I. Upon the first question raised, there can be no doubt. The act of the Secretary of State, in laying said message upon the Speaker's table, and announcing it as a message from the Governor, before the House finally adjourned, was a sufficient return of the bill. We are also of the opinion that the Governor might send this message by any officer or member of the House, or other proper person, and if properly announced, as in this case it was, we see no reason why that would not be sufficient. If the Governor returns the bill to the House in which it originated, and the House is properly

notified that it is a message from the Governor, neither the House nor the Speaker can prevent its effect by refusing to receive it. The duty of the Governor is performed when he returns the bill, with his objections, to the House in which the bill originated, and gives them proper notice, whether it is received or not.

Nor are we by any means prepared to say that the legislative day was ended, necessarily, by the adjournment of the House, even though it might have been at the usual hour in the afternoon; or that the return of the bill at any convenient time during the day to the Speaker, although after the House adjourned for the day, would not have been sufficient.

The provision of the Constitution in relation to this subject should receive a reasonable construction, and it can hardly be supposed that the time limited for the return of the bill has expired because that branch of the Legislature in which the bill originated has adjourned for the day, if the five days limited by the Constitution have not expired. The word "day," in its common acceptance, means a civil day, of twenty-four hours, beginning and ending at midnight. *Shaw v. Dodge*, 5 N. H. Rep., 465; *Colby v. Knapp*, 13 N. H. Rep., 175. The Governor's veto message was therefore properly returned to the House of Representatives, on Wednesday, August 24th. Was that in season to prevent the bill from becoming a law? This will depend upon the other questions to be considered.

II. Is Monday, August 22d, when neither House was in session, to be counted as one of the five days specified? Upon this point there can be no doubt. The adjournment referred to in this provision of the Constitution is not, we think, the ordinary recess or adjournment from time to time during the continuance of the session, but the final adjournment at the close of the session. In fact, this is the only adjournment, we think, which could prevent a return of the bill within the time limited. If we are right in the views expressed upon the first point, viz: that it might be sufficient for the Governor to return the bill, &c., to the Speaker after the adjournment of the House for that day, if within the five days, then it follows, of course, that the House could not prevent the return of a bill by adjourning over any one of the five days, even though it should be the last one of the five, because the bill might in that case be returned within the

- time limited to the Speaker, or to the Clerk, or some other proper officer. But when a final adjournment of the Legislature for the session occurs before the expiration of the five days, then the bill cannot be returned, nor could the two Houses act upon it if it could be then returned. In the case before us it is clear, we think, that the return was not prevented by the adjournment in question any more than it might have been by the adjournment from day to day. The time for consideration, on the part of the Governor, which was the great object of this provision, was not interfered with, but was all the more at his command and free from interruption and care on that account.

The Constitution provides, in articles 19 and 36, against any adjournment of the House or Senate during the session for more than two days at any one time. It could not have been expected that any such adjournment would or could operate to defeat the return of any bill within the time there specified, that the Governor might wish to veto. Although, in the case before us, both Houses adjourned for the same time, yet it often happens, and may at any time happen, that one House will adjourn for a day or two, while the other is in session. Now a bill must be returned to the House in which it originated, and if it should be held that it must be returned to that House *while in session*, then an adjournment of *that House* over one day would prevent the return of the bill during that day as much as an adjournment of both Houses; and if it had been intended to provide against such an adjournment for a day, or two days at the longest, the constitutional provision should have been that the bill should be returned in five days to the House in which it originated, unless *that House* shall prevent it by an adjournment. But no such provision was made. The only adjournment that was to prevent the return of the bill, was an adjournment of *the Legislature*; that is, of "both Houses of the General Court," and not of either House alone. The language used would seem to be sufficiently indicative of the intention of the framers of the Constitution in this matter. Their opinion was, most evidently, that an adjournment of either House for a time not exceeding two days, whether the other House adjourned for the same time or not, was not to prevent such return of any bill, but that it was only the final adjournment of the Legislature, of both Houses, for the session that could

have had that effect. We concur with them in that opinion.

Monday, August 22d, is therefore to be reckoned as one of the five days specified.

III. When was this bill presented to the governor? If there can be no presentation of a bill to him until it is put into his own hand, then it was not presented until Thursday, August 18th. But it would be absurd to hold that the officers of the senate and house of representatives are obliged, in order to perform their duty, to follow the governor wherever he may chance to go, whether in the State or out of it, upon his private business as well as public, and present bills to him *in person*, wherever he may happen to be. Some States provide a dwelling house, which is located at the capital and owned by the State, in which the governor, for the time being, is required by law to reside. But in our State we have no executive mansion of that kind. The governor here is not required to reside, or even to board in Concord. He might have neither residence, boarding-place, house, office, or stopping place at the capital, except at the State House; or he may reside in Concord and spend all his time there. He may have a store, office or other place of business. He may be engaged in different kinds of business at several different places in Concord, or out of Concord, and have as many different offices for the transaction of such business. Now it is perfectly apparent that, under these circumstances, in order that the business of legislation may be conducted with sufficient order and the necessary dispatch, there should be some place where it can be understood that communications can be made to the governor, and where it shall be his duty to attend, either in person or by some private secretary or agent, authorized to receive bills, papers and communications for him in his absence, at least during the sessions of the legislature; and we know of no more appropriate place, during the sessions, for the presentation of bills and making other communications to the governor, than in the executive chamber, where it may be understood that such presentations may be made at reasonable hours, and where they will be received and attended to, and where it may be expected that the governor will attend, in person or otherwise, at such proper times, as to see that the public interests do not suffer, and that all the duties imposed upon him by his high office may be seasonably performed.

Still this is not *necessarily* the place where the governor receives communications from the two houses; that must depend upon the usage. If it had been customary, both for the two houses to make these communications there, and for the governor to receive them there; if they both understood that this was the proper place where such communications were to be made and received, then the assent of both would be implied, and if such was the usage, and it was continued down to the time of the presentation of the bill in question, then it would be the duty of the governor to attend at such chamber and receive such communications, or to have some one there for that purpose, and the depositing of a bill there in the usual place by an officer of one of the houses, and calling the attention of the governor, secretary or other person in charge of the room, to the fact, would, we think, be a good presentation, although in consequence of the temporary absence of the governor for a few hours, or his attention being directed to other things, he may not have seen or known of such presentation on the day it was made.

This usage, though of long continuance, might probably be changed by the governor, and he might make, by special appointment, and a notice thereof to both houses, a private apartment in his own house, or at a hotel, or some other room in the State House, or in any other building, if within proper distance, and in other respects reasonably convenient, the place for receiving such communications, and then such apartment would be the proper place for making such presentations, and would so continue until otherwise ordered. But when he has thus changed the place and established a new one for this purpose, and such communications are habitually made there, his temporary absence for an hour, or for an afternoon, ought not to affect the presentation, and we think that in law it could not.

Cases might arise where, by reason of sickness, the governor was obliged to be absent from the ordinary place of presentation altogether, or was unable from other causes to attend during the whole or a part of a session. What should be done in such cases, or what would constitute such a vacancy as would authorize the president of the senate to assume the governor's chair, we need not now inquire, as none of these questions are raised by the case before us.

But in case where by a settled usage, understood and as-

sented to by all parties, the chamber of the governor and council was the place for making such communications, and so continued down to the time of the presentation in question, and the governor continued to attend there for that purpose, on the same day, and the day following, we think a presentation there would be sufficient, although by reason of his temporary absence, or other cause, it failed to come into his hands, or to his knowledge even, until the day after such presentation.

Upon the facts thus presented to us in this case, we think the bill in question was presented to the governor, within the meaning of the constitution, on Wednesday, August 17.

IV. Upon this view of the case it might become unnecessary to consider the remaining question, as to the computation of time; because if the bill was presented to the governor on Wednesday, August 17, then the five days (besides Sunday) *within* which the bill must be returned, would expire with Tuesday, the 23d, by any mode of computation known to us. The bill was returned to the house on Wednesday, the 24th, with the veto message, and was, in any event, one day too late. We will, however, briefly allude to this fourth question. Is the day on which the bill was presented to the governor to be included or excluded in computing the five days? Under the provisions of our present statute, there is no doubt that the day of presentation should be excluded; Revised Statutes, ch. 1, sec. 25. But this provision was introduced into our statutes at the revision in 1842, and prior to that there was no similar provision. But before this statute a very different rule of computation had prevailed in this State, and in other states and countries, which was probably the true rule when the constitution was adopted. It was early settled to be the law of this State, that in the computation of time from a *date*, or from the *day of a date*, the day of the date is to be excluded. But that where a computation is to be made from an *act done*, or from the *time of an act*, the day in which the act is done is to be included. *Scoville v. Simes*, 3 N. H. 16; *Priest v. Tarleton*, 3 N. H. 93; *Rand v. Rand*, 4 N. H. 267; *Blake v. Crowninshield*, 9 N. H. 204. In the case before us the time is to be computed from *an act done*, or the *time of an act*. The *act* is the presentation of the bill, and from that act the time is to be computed. Before the Revised Statutes, the day on which the act was done, must

have been *included* in computing the five days *within which* the bill must be returned.

Now, according to that computation, the bill was not returned in season, even though it had not been presented to the governor until Thursday, August 18th, because, including the day of presentation, we should have Thursday, Friday, Saturday, Monday, Tuesday, within which the bill must have been returned, but was not. If we were to adopt that computation, the bill would have become a law before it was returned, whether we hold the presentation to have been on Wednesday or Thursday.

There is no doubt that this construction would have been given to this provision of the constitution, prior to the Revised Statutes, and would now be given to it, but for the section alluded to, which was added at the revision and which, beyond question, changed the rule of computation in cases like the present. This statute provision may properly operate, and must operate in the construction of other statutes; but the question arises, how far can it affect the constitution? The constitution was *before* this statute, and was and is *above* it, and paramount to it in authority, and cannot certainly be changed in its letter or form by the provisions of any statute. How far its construction can or should be affected by any change in the statute; whether by the enacting of any statute, the constitution can be made to mean what it did not mean before, in a case like this, is a question which we need not now determine, as it is not necessary in order to decide the case before us.

We, therefore, without undertaking to pass upon, or to give any opinion concerning any question of fact raised by the evidence, but endeavoring to ascertain and decide such questions of law as we suppose to be material, and which were suggested by the communication made to us, certify our opinion to the honorable senate and house of representatives, that upon the facts assumed to have been established in the communication made to us, and thus presented to us by your direction and in your behalf, the bill entitled "An act to enable the qualified voters of this State engaged in the military service of the country, to vote for electors of President and Vice President of the United States and for representatives in congress," having passed both houses of the general court, and been presented to the governor, and not having been re-

Appendix.

turned by the governor, with his objections, to the house in which it originated, within five days (Sunday excepted) after it was presented to him, and such return of said bill, within said five days, not having been prevented by the legislature by their adjournment, has become a law in like manner as if the governor had signed it, and that the same is now a valid and binding statute of this State.

September 23d, 1864.

J. E. SARGENT,
HENRY A. BELLOWES,
GEO. W. NESMITH.

The undersigned, justices of the supreme judicial court, wish to have it understood that they do not regard it as any part of their official duty in a case like this, to find from evidence submitted to them the facts which are to be the foundation of their opinion. But, upon the facts assumed in the foregoing opinion, they agree in the conclusion that the act in question has become a valid law.

IRA PERLEY,
WILLIAM H. BARTLETT.

My opinion is that said bill has become and is a law.

CHARLES DOE.

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TO THE

JOURNAL OF THE HOUSE

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